

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
SOUTHERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
) Case Number: 8:19-cr-0603-PX
vs.)
) Day 1 - Voir Dire
JOSE DAVID NAVARRO-CERVELLON,)
)
Defendant.)

TRANSCRIPT OF PROCEEDINGS - JURY TRIAL
BEFORE THE HONORABLE PAULA XINIS
UNITED STATES DISTRICT JUDGE
MONDAY, JULY 11, 2022; 9:30 A.M.
GREENBELT, MARYLAND

A P P E A R A N C E S

FOR THE PLAINTIFF:

OFFICE OF THE UNITED STATES ATTORNEY
BY: WILLIAM DAVIS MOOMAU, ESQUIRE
6500 CHERRYWOOD LANE, SUITE 200
GREENBELT, MARYLAND 20770
(301) 344-0105

BY: LEAH BLOM GROSSI, ESQUIRE
6406 IVY LANE, SUITE 800
GREENBELT, MARYLAND 20770
(301) 344-4235

ALSO PRESENT: Special Agent Karen Cody - FBI
Jose Lopez - Certified Spanish Interpreter
Paul Sadur - Certified Spanish Interpreter

Proceedings Recorded by Mechanical Stenography
Transcript Produced By Computer-Aided Transcription

MARLENE KERR, RPR, RMR, CRR, FCRR
FEDERAL OFFICIAL COURT REPORTER
6500 CHERRYWOOD LANE, STE 200
GREENBELT, MARYLAND 20770
(301) 344-3499

A P P E A R A N C E S
(continued)

FOR THE DEFENDANT:

DAVIS and DAVIS

BY: CHRISTOPHER MICHAEL DAVIS, ESQUIRE
1350 CONNECTICUT AVENUE, NW, SUITE 202
WASHINGTON, DC 20036
(202) 234-7300

ANTHONY D. MARTIN, P.C.

BY: ANTHONY DOUGLAS MARTIN, ESQUIRE
7474 GREENWAY CENTER DRIVE, SUITE 150
GREENBELT, MARYLAND 20770
(301) 220-3700

ALSO PRESENT: Matilda Farren - Certified Interpreter

1 P R O C E E D I N G S

2 (Call to Order of the Court.)

3 THE COURTROOM DEPUTY: May I have your attention,
4 please.

5 The United States District Court for the District of
6 Maryland is now in session, the Honorable Paula Xinis
7 presiding.

8 THE COURT: Good morning, everybody.

9 (Counsel reply, "Good morning, Your Honor.")

10 THE COURT: You all can have a seat.

11 All right. Would the government call the case.

12 MR. MOOMAU: May it please the Court. The government
13 calls the case of United States of America vs. Jose David
14 Navarro-Cervellon, Criminal Case No. PX-19-603. The matter
15 comes on this morning for a jury selection and then trial by
16 jury.

17 Good morning, Your Honor. William Moomau and Leah Grossi
18 on behalf of the United States. Also at counsel table is FBI
19 Special Agent Karen Cody and Postal Inspector Adam Scheps.

20 THE COURT: Okay. Good morning.

21 MR. MARTIN: Good morning, Your Honor. Anthony
22 Martin and Chris Davis present on behalf of Mr. Jose David
23 Navarro who is present in the courtroom.

24 THE COURT: Okay. Good morning.

25 And let's swear in the certified court interpreters.

1 MR. DAVIS: Your Honor, we're having a problem with
2 the earphone. I'm trying to figure it out. It's not working.

3 THE COURT: All right. Let Mr. Ulander give you a
4 hand. There's always an IT issue. No matter how many times we
5 check it, it's just the IT universe at work. They'd like to
6 make sure we really want to do this today.

7 (Brief pause.)

8 THE COURT: All right, great.

9 Okay. Could we swear in the court interpreters then.

10 THE COURTROOM DEPUTY: Please raise your right hand.

11 (Interpreters complied.)

12 THE COURTROOM DEPUTY: You do solemnly swear AND
13 affirm under the penalties of perjury that you will justly,
14 truly, fairly, and impartially act as an interpreter in the
15 case now before the Court?

16 INTERPRETER LOPEZ: I do. Jose Lopez, interpreter
17 certified by the Administrative Office of the United States
18 Courts.

19 INTERPRETER SADUR: I do. Paul Sadur, certified
20 interpreter also.

21 THE COURT: Okay. Thank you so much, gentlemen, for
22 joining us today. And I know that we are also joined by
23 Matilda Farren for the defense. Good morning and thank you for
24 joining us.

25 MS. FARREN: Good morning, Your Honor.

1 THE COURT: Okay. I understand that we have a --

2 INTERPRETER LOPEZ: I'm sorry, Your Honor. The
3 defendant is indicating again that he is having trouble hearing
4 once again.

5 THE COURT: All right, let's get that fixed.

6 (Brief pause.)

7 INTERPRETER LOPEZ: Once again, we're ready, Your
8 Honor.

9 THE COURT: Okay. Are we good?

10 INTERPRETER LOPEZ: Yes, Your Honor.

11 THE COURT: Okay. Mr. Cervellon, if at any point you
12 cannot hear -- or Mr. Navarro, I should say, at any point you
13 can't hear, you just raise your hand so we know, okay, if the
14 equipment is not working. Is the equipment not working right
15 now, or are you good?

16 INTERPRETER LOPEZ: It's good.

17 THE COURT: Okay, great. Thank you.

18 All right, Counsel, are there any preliminary matters?

19 MR. MOOMAU: Your Honor, we're a little early for
20 this, but we do have two case agents at the table.

21 THE COURT: Okay.

22 MR. MOOMAU: One of them might be testifying during
23 the trial or will be testifying during the trial. I spoke to
24 Mr. Davis about that, about him being able to be here during
25 the trial and jury selection. He did not object to that.

1 THE COURT: Okay.

2 MR. DAVIS: I didn't object but I only thought one
3 case agent was going to be at counsel table.

4 THE COURT: Yeah, I'm not sure why we have two.
5 Typically there's just one that is at counsel table.

6 MR. DAVIS: I must have misunderstood, Mr. Moomau. I
7 thought that one was going to be at counsel table.

8 MR. MOOMAU: Whatever you want, Your Honor. We can
9 just have one sitting at counsel table.

10 THE COURT: Yeah, I mean, customarily there's one.
11 The case agent is the case agent. I understand why the
12 government needs them at counsel table, and there is usually an
13 exception for the rule on witnesses, but I don't, I don't see
14 why we need two.

15 MR. MOOMAU: Okay.

16 THE COURT: Yeah, so if you'd make your choice in
17 that regard.

18 Let me ask the next question. The witness list that I
19 have here, is that the complete witness list? Mr. Davis, do
20 you have any names to add?

21 MR. DAVIS: I don't have any names to add, but there
22 is one name that may come up during the case that isn't on the
23 list, and that is Hector Moreno.

24 THE COURT: Hector?

25 MR. DAVIS: Yes. Last name Moreno, M-o-r-e-n-o.

1 THE COURT: Moreno. Okay. All right, well, then I
2 will add to the other names.

3 And then it appears as if this is organized quite nicely.
4 Thank you. So I'll just -- for the names that are under Prince
5 George's County Police Department, I'll say the following are
6 from Prince George's County Police Department, name, read off
7 the name and so on, and then we'll get to others.

8 Okay. All right, great. That's very helpful.

9 I believe we have a jury pool ready to go. I know
10 Mr. Ulander talked to you about this, so I just want to put it
11 on the record that we're going to try to ascertain after the
12 first round of voir dire questioning while the jurors are still
13 down in the jury room how many individuals we have who note
14 that they are not vaccinated and where they fall in the lineup
15 so that you all can make a decision as to whether I can just
16 release them. If there are, you know, few enough, I can just
17 let them go; or do you wish to have individual follow-up voir
18 dire.

19 So we can't know that until we ask all the questions and
20 collect the questionnaires, but jury knows that we're
21 interested in that information. So they will get it to us as
22 quickly as possible.

23 All right. Anything else before we go live?

24 MR. DAVIS: Nothing from Mr. Navarro, Your Honor.

25 THE COURT: Okay. All right, great.

1 Oh, you know what, I have one question for you all,
2 actually, before we do this. Have you all had the opportunity
3 to see the voir dire panel? And do you wish -- if not, do you
4 wish to do that? So the only way we can make that available to
5 you is you go downstairs. You lay your eyes on the panel.

6 Likewise, when -- I believe we can do this. We have done
7 this. Let me confirm that IT is prepared to do this. When it
8 is time to introduce you all, that there is actually a camera
9 on you so that the jury venire can see you. Are we able to do
10 that? Okay. All right, we can do that if you step to the
11 podium. So do be sure when your name is called to step to the
12 podium. We're not going to be able to do that for Mr. Navarro,
13 but, in any event, I think we'll be okay in that regard. Okay?

14 MR. DAVIS: Mr. Martin and I just discussed amongst
15 ourselves. We do not need to go down and see the panel.

16 THE COURT: Okay. You have enough demographic
17 information?

18 MR. DAVIS: We can do it individually as they come
19 up.

20 THE COURT: Okay. All right, great.

21 All right. So with that, I think we're ready.

22 (Brief pause.)

23 THE COURTROOM DEPUTY: Good morning, Ms. Thomas. Can
24 you hear me all right?

25 MS. THOMAS: I can hear you. Good morning,

1 Mr. Ulander. Good morning, Your Honor.

2 THE COURT: Good morning.

3 THE COURTROOM DEPUTY: The matter now pending before
4 the Court is Criminal Action No. PX-19-0603, the United States
5 of America vs. Jose David Navarro-Cervellon.

6 Members of the petit jury, as I call your juror number,
7 please stand, vocally acknowledge your presence, please be
8 seated. And then, Ms. Thomas, if you could vocally acknowledge
9 their presence.

10 Juror number five.

11 MS. THOMAS: Present.

12 THE COURTROOM DEPUTY: Juror number nine.

13 MS. THOMAS: Present.

14 THE COURTROOM DEPUTY: Juror number 11.

15 MS. THOMAS: Present.

16 THE COURTROOM DEPUTY: Juror number 14.

17 MS. THOMAS: Present.

18 THE COURTROOM DEPUTY: Juror number 15.

19 MS. THOMAS: Present.

20 THE COURTROOM DEPUTY: Juror number 25.

21 MS. THOMAS: Present.

22 THE COURTROOM DEPUTY: Juror number 30.

23 MS. THOMAS: Present.

24 THE COURTROOM DEPUTY: Juror number 31.

25 MS. THOMAS: Present.

1 THE COURTROOM DEPUTY: Juror number 36.
2 MS. THOMAS: Present.
3 THE COURTROOM DEPUTY: Juror number 38.
4 MS. THOMAS: Present.
5 THE COURTROOM DEPUTY: Juror number 49.
6 MS. THOMAS: Present.
7 THE COURTROOM DEPUTY: Juror number 57.
8 MS. THOMAS: Present.
9 THE COURTROOM DEPUTY: Juror number 64.
10 MS. THOMAS: Present.
11 THE COURTROOM DEPUTY: Juror number 67.
12 MS. THOMAS: Present.
13 THE COURTROOM DEPUTY: Juror number 70.
14 MS. THOMAS: Present.
15 THE COURTROOM DEPUTY: Juror number 72.
16 MS. THOMAS: Present.
17 THE COURTROOM DEPUTY: Juror number 78.
18 MS. THOMAS: Present.
19 THE COURTROOM DEPUTY: Juror number 85.
20 MS. THOMAS: Present.
21 THE COURTROOM DEPUTY: Juror number 87.
22 MS. THOMAS: Present.
23 THE COURTROOM DEPUTY: Juror number 88.
24 MS. THOMAS: Present.
25 THE COURTROOM DEPUTY: Juror number 89.

1 MS. THOMAS: Present.

2 THE COURTROOM DEPUTY: Juror number 96.

3 MS. THOMAS: Present.

4 THE COURTROOM DEPUTY: Juror number 104.

5 MS. THOMAS: Present.

6 THE COURTROOM DEPUTY: Juror number 110.

7 MS. THOMAS: Present.

8 THE COURTROOM DEPUTY: Juror number 125.

9 MS. THOMAS: Present.

10 THE COURTROOM DEPUTY: Juror number 126.

11 MS. THOMAS: Present.

12 THE COURTROOM DEPUTY: Juror number 131.

13 MS. THOMAS: Present.

14 THE COURTROOM DEPUTY: Juror number 133.

15 MS. THOMAS: Present.

16 THE COURTROOM DEPUTY: Juror number 136.

17 (No response.)

18 THE COURTROOM DEPUTY: Juror number 136.

19 (Brief pause.)

20 MS. THOMAS: Present.

21 THE COURTROOM DEPUTY: Juror number 137.

22 MS. THOMAS: Present.

23 THE COURTROOM DEPUTY: Juror number 139.

24 MS. THOMAS: Present.

25 THE COURTROOM DEPUTY: Juror number 146.

1 MS. THOMAS: Present.

2 THE COURTROOM DEPUTY: Juror number 154.

3 MS. THOMAS: Present.

4 THE COURTROOM DEPUTY: Juror number 172.

5 MS. THOMAS: Present.

6 THE COURTROOM DEPUTY: Juror number 173.

7 MS. THOMAS: Present.

8 THE COURTROOM DEPUTY: Juror number 179.

9 MS. THOMAS: Present.

10 THE COURTROOM DEPUTY: Juror number 183.

11 MS. THOMAS: Present.

12 THE COURTROOM DEPUTY: Juror number 187.

13 MS. THOMAS: Present.

14 THE COURTROOM DEPUTY: Juror number 211.

15 MS. THOMAS: Present.

16 THE COURTROOM DEPUTY: Juror number 223.

17 MS. THOMAS: Present.

18 THE COURTROOM DEPUTY: Juror number 227.

19 MS. THOMAS: Present.

20 THE COURTROOM DEPUTY: Juror number 230.

21 MS. THOMAS: Present.

22 THE COURTROOM DEPUTY: Juror number 234.

23 MS. THOMAS: Present.

24 THE COURTROOM DEPUTY: Juror number 236.

25 MS. THOMAS: Present.

1 THE COURTROOM DEPUTY: Juror number 240.

2 MS. THOMAS: Present.

3 THE COURTROOM DEPUTY: Juror number 252.

4 MS. THOMAS: Present.

5 THE COURTROOM DEPUTY: Juror number 260.

6 MS. THOMAS: Present.

7 THE COURTROOM DEPUTY: Juror number 262.

8 MS. THOMAS: What number did you answer to? What was
9 the previous number that you answered to? Do you remember?
10 You stood up before, though. So you are 11? But you stood up
11 for another number, correct?

12 THE COURTROOM DEPUTY: Juror number 262?

13 MS. THOMAS: 226, not seat number 11, right?

14 Present.

15 THE COURTROOM DEPUTY: Can I confirm we have juror
16 number 11 as well?

17 MS. THOMAS: Juror number 11. That's 11.

18 THE COURTROOM DEPUTY: Perfect.

19 MS. THOMAS: Present.

20 THE COURTROOM DEPUTY: Juror number 274.

21 MS. THOMAS: Present.

22 THE COURTROOM DEPUTY: Juror number 283.

23 MS. THOMAS: Present.

24 THE COURTROOM DEPUTY: Juror number 288.

25 MS. THOMAS: Present.

1 THE COURTROOM DEPUTY: Juror number 301.
2 MS. THOMAS: Present.
3 THE COURTROOM DEPUTY: Juror number 307.
4 MS. THOMAS: Present.
5 THE COURTROOM DEPUTY: Juror number 312.
6 MS. THOMAS: Present.
7 THE COURTROOM DEPUTY: Juror number 314.
8 MS. THOMAS: Present.
9 THE COURTROOM DEPUTY: Juror number 320.
10 MS. THOMAS: Present.
11 THE COURTROOM DEPUTY: Juror number 322.
12 MS. THOMAS: Present.
13 THE COURTROOM DEPUTY: Juror number 333.
14 MS. THOMAS: Present.
15 THE COURTROOM DEPUTY: Juror number 340.
16 MS. THOMAS: Present.
17 THE COURTROOM DEPUTY: Juror number 344.
18 MS. THOMAS: Present.
19 THE COURTROOM DEPUTY: Juror number 350.
20 MS. THOMAS: Present.
21 THE COURTROOM DEPUTY: Juror number 358.
22 MS. THOMAS: Present.
23 THE COURTROOM DEPUTY: Juror number 362.
24 MS. THOMAS: Present.
25 THE COURTROOM DEPUTY: Juror number 369.

1 MS. THOMAS: Present.

2 THE COURTROOM DEPUTY: Juror number 379.

3 MS. THOMAS: Present.

4 THE COURTROOM DEPUTY: Juror number 386.

5 MS. THOMAS: Present.

6 THE COURTROOM DEPUTY: Juror number 389.

7 (Brief pause.)

8 MS. THOMAS: Present.

9 THE COURT: All right. So, Counsel, we've gotten
10 word that there was some confusion among the jury pool
11 regarding whether they should stand for their seat number or
12 their juror number. So we're going to start the roll over out
13 of an abundance of caution.

14 Ms. Thomas, if you could make sure that the jurors
15 understand what we are --

16 MS. THOMAS: Yes, Your Honor.

17 THE COURT: -- asking.

18 MS. THOMAS: So remember when I explained during the
19 orientation to remember your four digit number on the summons
20 or the reimbursement form? I need you to do that. Okay? Not
21 your seat number but your juror number. I explained that, the
22 four digit number. Okay? Thank you.

23 Okay, we're ready, Your Honor.

24 THE COURT: All right, thanks.

25 Mr. Ulander.

1 THE COURTROOM DEPUTY: Yes, Your Honor.

2 Juror number five.

3 MS. THOMAS: Present.

4 THE COURTROOM DEPUTY: Juror number nine.

5 MS. THOMAS: Present.

6 THE COURTROOM DEPUTY: Juror number 11.

7 MS. THOMAS: Present.

8 THE COURTROOM DEPUTY: Juror number 14.

9 MS. THOMAS: Present.

10 THE COURTROOM DEPUTY: Juror number 15.

11 MS. THOMAS: Present.

12 THE COURTROOM DEPUTY: Juror number 25.

13 MS. THOMAS: Present.

14 THE COURTROOM DEPUTY: Juror number 30.

15 MS. THOMAS: Present.

16 THE COURTROOM DEPUTY: Juror number 31.

17 MS. THOMAS: Present.

18 THE COURTROOM DEPUTY: Juror number 36.

19 MS. THOMAS: Present.

20 THE COURTROOM DEPUTY: Juror number 38.

21 MS. THOMAS: Present.

22 THE COURTROOM DEPUTY: Juror number 49.

23 MS. THOMAS: Present.

24 THE COURTROOM DEPUTY: Juror number 57.

25 MS. THOMAS: Present.

1 THE COURTROOM DEPUTY: Juror number 64.
2 MS. THOMAS: Present.
3 THE COURTROOM DEPUTY: Juror number 67.
4 MS. THOMAS: Present.
5 THE COURTROOM DEPUTY: Juror number 70.
6 MS. THOMAS: Present.
7 THE COURTROOM DEPUTY: Juror number 72.
8 MS. THOMAS: Present.
9 THE COURTROOM DEPUTY: Juror number 78.
10 MS. THOMAS: Present.
11 THE COURTROOM DEPUTY: Juror number 85.
12 MS. THOMAS: Present.
13 THE COURTROOM DEPUTY: Juror number 87.
14 MS. THOMAS: Present.
15 THE COURTROOM DEPUTY: Juror number 88.
16 MS. THOMAS: Present.
17 THE COURTROOM DEPUTY: Juror number 89.
18 MS. THOMAS: Present.
19 THE COURTROOM DEPUTY: Juror number 96.
20 MS. THOMAS: Present.
21 THE COURTROOM DEPUTY: Juror number 104.
22 MS. THOMAS: Present.
23 THE COURTROOM DEPUTY: Juror number 110.
24 MS. THOMAS: Present.
25 THE COURTROOM DEPUTY: Juror number 125.

1 MS. THOMAS: Present.

2 THE COURTROOM DEPUTY: Juror number 126.

3 MS. THOMAS: Present.

4 THE COURTROOM DEPUTY: Juror number 131.

5 MS. THOMAS: Present.

6 THE COURTROOM DEPUTY: Juror number 133.

7 MS. THOMAS: Present.

8 THE COURTROOM DEPUTY: Juror number 136.

9 MS. THOMAS: Present.

10 THE COURTROOM DEPUTY: Juror number 137.

11 MS. THOMAS: Present.

12 THE COURTROOM DEPUTY: Juror number 139.

13 MS. THOMAS: Present.

14 THE COURTROOM DEPUTY: Juror number 146.

15 MS. THOMAS: Present.

16 THE COURTROOM DEPUTY: Juror number 154.

17 MS. THOMAS: Present.

18 THE COURTROOM DEPUTY: Juror number 172.

19 MS. THOMAS: Present.

20 THE COURTROOM DEPUTY: Juror number 173.

21 MS. THOMAS: Present.

22 THE COURTROOM DEPUTY: Juror number 179.

23 MS. THOMAS: Present.

24 THE COURTROOM DEPUTY: Juror number 183.

25 MS. THOMAS: Present.

1 THE COURTROOM DEPUTY: Juror number 187.
2 MS. THOMAS: Present.
3 THE COURTROOM DEPUTY: Juror number 211.
4 MS. THOMAS: Present.
5 THE COURTROOM DEPUTY: Juror number 223.
6 MS. THOMAS: Present.
7 THE COURTROOM DEPUTY: Juror number 227.
8 MS. THOMAS: Present.
9 THE COURTROOM DEPUTY: Juror number 230.
10 MS. THOMAS: Present.
11 THE COURTROOM DEPUTY: Juror number 234.
12 MS. THOMAS: Present.
13 THE COURTROOM DEPUTY: Juror number 236.
14 MS. THOMAS: Present.
15 THE COURTROOM DEPUTY: Juror number 240.
16 MS. THOMAS: Present.
17 THE COURTROOM DEPUTY: Juror number 252.
18 MS. THOMAS: Present.
19 THE COURTROOM DEPUTY: Juror number 260.
20 MS. THOMAS: Present.
21 THE COURTROOM DEPUTY: Juror number 262.
22 MS. THOMAS: Present.
23 THE COURTROOM DEPUTY: Juror number 274.
24 MS. THOMAS: Present.
25 THE COURTROOM DEPUTY: Juror number 283.

1 MS. THOMAS: Present.

2 THE COURTROOM DEPUTY: Juror number 288.

3 MS. THOMAS: Present.

4 THE COURTROOM DEPUTY: Juror number 301.

5 MS. THOMAS: Present.

6 THE COURTROOM DEPUTY: Juror number 307.

7 MS. THOMAS: Present.

8 THE COURTROOM DEPUTY: Juror number 312.

9 MS. THOMAS: Present.

10 THE COURTROOM DEPUTY: Juror number 314.

11 MS. THOMAS: Present.

12 THE COURTROOM DEPUTY: Juror number 320.

13 MS. THOMAS: Present.

14 THE COURTROOM DEPUTY: Juror number 322.

15 MS. THOMAS: Present.

16 THE COURTROOM DEPUTY: Juror number 333.

17 MS. THOMAS: Present.

18 THE COURTROOM DEPUTY: Juror number 340.

19 MS. THOMAS: Present.

20 THE COURTROOM DEPUTY: Juror number 344.

21 MS. THOMAS: Present.

22 THE COURTROOM DEPUTY: Juror number 350.

23 MS. THOMAS: Present.

24 THE COURTROOM DEPUTY: Juror number 358.

25 MS. THOMAS: Present.

1 THE COURTROOM DEPUTY: Juror number 362.
2 MS. THOMAS: Present.
3 THE COURTROOM DEPUTY: Juror number 369.
4 MS. THOMAS: Present.
5 THE COURTROOM DEPUTY: Juror number 379.
6 MS. THOMAS: Present.
7 THE COURTROOM DEPUTY: Juror number 386.
8 MS. THOMAS: Present.
9 THE COURTROOM DEPUTY: Juror number 389.
10 MS. THOMAS: Present.
11 THE COURTROOM DEPUTY: Juror number 391.
12 MS. THOMAS: Present.
13 THE COURTROOM DEPUTY: Juror number 396.
14 MS. THOMAS: Present.
15 THE COURTROOM DEPUTY: Juror number 406.
16 MS. THOMAS: Present.
17 THE COURTROOM DEPUTY: Juror number 409.
18 MS. THOMAS: Present.
19 THE COURTROOM DEPUTY: Juror number 410.
20 MS. THOMAS: Present.
21 THE COURTROOM DEPUTY: Juror number 413.
22 MS. THOMAS: Present.
23 THE COURTROOM DEPUTY: Juror number 416.
24 MS. THOMAS: Present.
25 THE COURTROOM DEPUTY: Juror number 423.

1 MS. THOMAS: Present.

2 THE COURTROOM DEPUTY: Juror number 425.

3 MS. THOMAS: Present.

4 THE COURTROOM DEPUTY: Are there any other jurors
5 present whose juror number I have not called?

6 (No response).

7 THE COURTROOM DEPUTY: Members of the jury panel,
8 would you please stand and raise your right hand.

9 Do you and each of you solemnly promise, declare, and
10 affirm, that the answers you shall give touching your present
11 propounded service -- to the questions to be propounded to you,
12 touching your present proposed service as petit juror in this
13 court shall be the truth, the whole truth, and nothing but the
14 truth?

15 Please state, "I do." And, Ms. Thomas, if you can confirm
16 our jury has sworn in.

17 MS. THOMAS: Confirmed.

18 THE COURTROOM DEPUTY: Thank you.

19 THE COURT: All right. You can all have a seat.

20 Good morning. My name is Judge Paula Xinis, and I am
21 presiding over this case today, and I want to welcome you and
22 thank you in advance for your service today. I cannot
23 overemphasize, and this is on behalf of everyone here, how
24 critical your jury service is. It is the cornerstone of our
25 system of justice, and it means a great deal to this Court, as

1 well as to the parties, that you are here, ready, willing, and
2 able for service.

3 So this first part of our what is called voir dire -- and
4 voir dire simply is a fancy word for "to tell the truth." The
5 first part we're going to conduct remotely, meaning you all
6 will stay in your seats, and I'm going to have a number of
7 questions for you.

8 You should have in front of you an answer sheet, and that
9 answer sheet should have 36 separate entries for your ability
10 to put either a "yes" or a "no" to each question that I give
11 you. Have that right in front of you, and the first thing I
12 would like you to do with a working pen is put your juror
13 number, that four-digit number that we just talked about, in
14 the center of the answer sheet where it says "juror number."
15 Do not put your name; put your number.

16 Next, as I go through each question, I'm going to first
17 give you the number of the question. Then I'm going to give
18 you the question. And if you are not sure whether to put yes
19 or no, always put yes. So when in doubt of how to answer, put
20 yes.

21 After we go through all of the questions, if any of you
22 need a question read back to you, Ms. Thomas will be there, and
23 we'll go through that process. You just raise your hand, tell
24 her which question you need back, read back, and I will do that
25 for you. Once everyone has heard every question and understood

1 every question and answered every question, we'll collect those
2 answer sheets. That will conclude phase one.

3 Phase two then, we'll have each of you come up
4 individually to the courtroom for follow-up questions regarding
5 your yes answers. That's why if you're in doubt, just answer
6 yes, because the whole purpose of why we're doing this is to
7 make sure that when we select this jury for this very important
8 case, that we do not put anyone on the jury who can't serve
9 because maybe they have a relationship with someone in the case
10 or they have views that may affect the case. This is why we go
11 through that process.

12 So you'll come up for individual voir dire, and our jury
13 committee will make sure that you know exactly where to go and
14 when.

15 Okay. So with that, let's begin. Again, if you have your
16 answers in front of you -- raise your hand if you cannot hear.
17 And I don't see Ms. Thomas coming to the podium, so I'll take
18 that to mean no hands are raised, and we will start.

19 Question No. 1: Ladies and gentlemen, this is a criminal
20 case in which the defendant, Jose David Navarro-Cervellon is
21 served -- is charged with three counts. One, conspiracy to use
22 facilities of interstate commerce in the commission of murder
23 for hire; two, use of facilities of interstate commerce in the
24 commission of murder for hire; and three, murder resulting from
25 the use, carrying, brandishing, and discharging of a firearm

1 during and in relation to a crime of violence.

2 These charges relate to the murder of Ramiro Moya that
3 occurred on November 30, 2016, on Crittenden Street in
4 Hyattsville, Maryland.

5 Here's the question, question number one: Have you read
6 or heard anything about this case from any source?

7 Question No. 2: Do you know or have you had any dealings
8 with the defendant, Jose David Navarro-Cervellon, or any of his
9 friends, associates, or family members?

10 Question No. 3: Do you know or have you had any dealings
11 with any of the following persons or members of their families?

12 Now, this is going to be a long list. So what I suggest
13 you do is if you hear any name you recognize as possibly your
14 having any contact with them, make a note on your sheet so
15 later on when we come up for individual discussion, you
16 remember who it was that caused you to check yes.

17 So here is the list. And, again, the question is: Do you
18 know or have you had any dealings with any of the following
19 persons or members of their families: Counsel for the United
20 States of America, Assistant United States Attorney William
21 Moomau or Assistant United States Attorney Leah Grossi; Erek L.
22 Baron, the United States attorney for the District of Maryland,
23 or any member of the United States Attorney's Office for the
24 District of Maryland.

25 Federal Bureau of Investigation Special Agent Karen Cody,

1 FBI Special Agent John Kareta, that's K-a-r-e-t-a; United
2 States Postal Service Postal Inspector Adam Scheps. That's
3 S-c-h-e-p-s.

4 Counsel for the defendant: Christopher Davis or Anthony
5 Martin.

6 Me, my staff, or anyone that you have seen in the
7 courthouse. Now take a look around the room, and if you
8 recognize anyone in the jury pool.

9 The following are a list of individuals who may either be
10 witnesses or be mentioned during the trial. From the Prince
11 George's County Police Department: Jose Chinchilla, Tahicia L.
12 McCaskill, Brandon Moroney, John C. Wood.

13 From the Montgomery County Police Department: Michael
14 Zito. That's Z-i-t-o.

15 From the Calvert County Sheriff's Office: Michael Daily,
16 D-a-i-l-y.

17 From the Federal Bureau of Investigation: Nancy Rittie,
18 that's R-i-t-t-i-e; Rich Fennern, F-e-n-n-e-r-n.

19 From the United States Postal Inspection Service: Adam
20 Scheps.

21 From the Maryland Office of the Chief Medical Examiner:
22 Dr. Carol Allan, that's A-l-l-a-n.

23 And other witnesses not affiliated with an agency or
24 department: Miguel Ayala-Rivera, Pedro Cruz, Luis
25 Cruz-Hernandez, Concepción Hernandez de Galindo, Ermilda Moya

1 Guillen, G-u-i-l-l-e-n; Gloribel Moya, Ramiro Moya, Natin,
2 N-a-t-i-n, Patel, Miguel Renderos, Zaira Renderos, Jesus Rivas,
3 Hector Moreno.

4 Okay, that concludes the list. Moving on to the next
5 question.

6 Question No. 4: This trial is estimated to take up to
7 nine days, starting today. We will sit from 9:30 to 5 p.m.
8 every day. Generally, we'll take one morning break and one
9 afternoon break, each about 15 minutes, and an hour for lunch.
10 We will not be sitting for trial on Friday, July 15th, or
11 Friday July 22nd.

12 Is there any reason why you cannot serve as a juror for
13 these dates and times? That's question number four. Is there
14 any reason why you cannot serve as a juror for these dates and
15 times?

16 Question No. 5: Are you taking any medication that could
17 affect your ability to pay full attention during trial?

18 Question No. 6: Do you suffer from any physical or mental
19 illness or impairment that may make it difficult to sit as a
20 juror?

21 Question 7: Are you fully vaccinated against COVID-19?
22 Meaning at least 14 days have passed after receiving a second
23 dose of a two-dose vaccine or 14 days have passed after
24 receiving a single dose of a single-dose vaccine?

25 Question No. 8: Do you have any difficulty understanding

1 English such that it may be difficult to follow the testimony
2 in this case?

3 Question 9: Have you ever served as a juror for a grand
4 jury or a criminal trial in any court?

5 Question 10: Are you presently a party in any case
6 pending in this or any other federal or state court?

7 Question 11: Have you or a member of your immediate
8 family ever attended law school, received legal training, taken
9 a paralegal course, or worked with a lawyer, law firm, in a
10 courthouse, or as a paralegal, legal secretary, or private
11 investigator?

12 Question 12: Have you or any member of your family ever
13 been employed by or sought employment with the United States
14 Courts, the United States District Court for the District of
15 Maryland, the United States Department of Justice, any United
16 States Attorney's Office or State's Attorney's Office, any
17 other prosecutor's office, FBI, United States Postal Service,
18 or any other court system or law enforcement agency, whether
19 local, state, or federal?

20 Question 13: Have you, any member of your family, or
21 close friend ever been employed by any organization or firm
22 involved in criminal defense work?

23 Question 14: Have you, any member of your family, or
24 close friend ever been employed by state or federal
25 court-related agencies, such as the Maryland Department of

1 Parole and Probation, the United States Pretrial Services
2 Office, the United States Probation Office, or the United
3 States Bureau of Prisons?

4 15: Have you, any member of your family, or close friends
5 ever been involved in any legal dispute with the United States
6 Government or any agency of the government, including the FBI,
7 the United States Postal Service, or any state or local
8 government?

9 Question 16: Do you have any opinions, favorable or
10 unfavorable, about the FBI, the United States Postal Service,
11 Prince George's County Police Department, Montgomery County
12 Police Department, any other law enforcement personnel, or the
13 administration of criminal justice in the courts that would
14 prevent you from rendering a fair and impartial verdict in this
15 case?

16 17: Do you have any opinions about prosecutors, law
17 enforcement agents, or other law enforcement personnel,
18 favorable or unfavorable, that would prevent you from rendering
19 a fair and impartial verdict in this case?

20 Question 18: Would you tend to give greater or lesser
21 weight to the testimony of witnesses from the FBI, U.S. Postal
22 Service, Prince George's County Police Department, Montgomery
23 County Police Department, or any other law enforcement agency
24 simply because they worked in law enforcement?

25 19: During this trial, the defendant may call witnesses.

1 Although the defendant has no obligation to call any witnesses,
2 if he does, would you tend to give greater or lesser weight to
3 the testimony of a defense witness simply because he or she is
4 a defense witness?

5 Question No. 20: This case will involve the testimony of
6 witnesses who have been convicted of crimes and who have
7 cooperated with law enforcement in exchange for the possibility
8 of receiving reduced sentences. Do you have any views about
9 the use of such cooperators in connection with investigating
10 crime or giving testimony at trial that may affect your ability
11 to be fair and impartial in this case?

12 Question 21: In this case, there may be evidence that
13 some of the persons involved in this crime were associated with
14 La Mara Salvatrucha, or MS-13. Do you have any views about
15 MS-13 that may affect your ability to be a fair and impartial
16 juror in this case?

17 Question 22: Do you have any views about violent crime or
18 the government's enforcement of such crime that may affect your
19 ability to be a fair and impartial juror in this case?

20 23: Some of the victims and witnesses in this case may be
21 in this country without authorization. Do you have any views
22 about undocumented immigrants or the government's immigration
23 policies that may affect your ability to be a fair and
24 impartial juror in this case?

25 24: In this case, the defendant is Latino, and his family

1 origin is from El Salvador. Some of the victims and witnesses
2 will also be Hispanic or Latino. Do you have any beliefs or
3 attitudes about persons of Hispanic or Latino lineage that may
4 affect your ability to be a fair and impartial juror in this
5 case?

6 25: Some of the witnesses in this case speak Spanish and
7 will testify with the assistance of a Spanish translator. Will
8 that fact affect your ability to be fair and impartial in this
9 case?

10 26: Do you have read, write, or speak Spanish?

11 27: Do you have any views or opinions, favorable or
12 unfavorable, about witnesses who wear a mask or face shield
13 while testifying that will make it difficult to be fair and
14 impartial in this case?

15 28: Criminal investigative techniques portrayed in books,
16 newspapers, movies or TV shows such as CSI or Law and Order may
17 be fictional or unreasonable or inapplicable to a real court
18 case. If you are selected, I will instruct you that you must
19 decide this case based solely on the evidence presented in this
20 court, and you cannot consider anything you have read about or
21 have seen on TV or in the movies. Would you have any
22 difficulty following this instruction?

23 29: Do you have any religious, moral, or other beliefs
24 that would make it difficult for you to judge the conduct of
25 another person or to reach a verdict as a juror?

1 30: Do you have any attitudes or feelings with regard to
2 race, ethnicity, religion, national origin, gender, or age that
3 may prevent you from serving fairly and impartially as a juror
4 in this case?

5 Question 31: Have you, any member of your family, or
6 close friends ever been convicted of a crime, been accused of
7 criminal conduct, or been the subject of a criminal
8 investigation?

9 32: Have you, any member of your family, or close friend
10 ever been the victim of a crime, a witness to a crime, or a
11 witness for the prosecution or defense in any criminal trial?

12 33. Do you, any member of your family, or close friends
13 belong to any group that advocates for change in our criminal
14 justice system or our criminal sentencing guidelines?

15 34: At the close of this case, I will instruct you on the
16 law that you are required to apply to the facts of the case.
17 Would you have any difficulty following my instructions on the
18 law even if you disagree with any of them?

19 35: If selected to serve as a juror in this case, you
20 will be instructed that you are not to consider punishment in
21 deciding whether the government has proven its case against the
22 defendant. Would you have any difficulty following this
23 instruction?

24 Last question, 36: Do you know of any other reason why
25 you may not be able to serve with absolute impartiality to both

1 sides as a juror in this case?

2 Okay, those are all the questions. Ms. Thomas, if you
3 would come to the podium. And jurors, if any of you need any
4 of the questions read back, please raise your hand, give your
5 juror number, and then Ms. Thomas will help me out with the
6 question that I need to read back.

7 MS. THOMAS: Okay. Would you please stand. Your
8 juror number? 211. And which question would you like to be
9 repeated? No. 13.

10 THE COURT: Okay. Question No. 13: Have you, any
11 member of your family, or any close friends ever been employed
12 by any organization or firm involved in criminal defense work?

13 MS. THOMAS: Juror number? 358. And can you please
14 repeat Question No. 7.

15 THE COURT: Question No. 7: Are you fully vaccinated
16 against COVID-19? Meaning at least 14 days have passed after
17 receiving a second dose of a two-dose vaccine or 14 days have
18 passed after receiving a single dose of a single-dose vaccine?

19 MS. THOMAS: Juror number? Nine. That's your juror
20 number? Number nine? And what's your question? Number one --
21 21, I'm sorry.

22 THE COURT: 21?

23 MS. THOMAS: Yes, please.

24 THE COURT: Okay.

25 In this case, there may be evidence that some of the

1 persons involved in this crime are associated with La Mara
2 Salvatrucha, or MS-13. Do you have any views about MS-13 that
3 may affect your ability to be a fair and impartial juror in
4 this case?

5 MS. THOMAS: 0064? And Question No. 10.

6 THE COURT: No. 10: Are you presently a party in any
7 case pending in this or any other federal or state court?

8 MS. THOMAS: Juror number? 146? Question 14.

9 THE COURT: 14: Have you, any member of your family,
10 or any close friends ever been employed by state or federal
11 court-related agencies such as the Maryland Department of
12 Parole and Probation, the United States Pretrial Services
13 Office, the United States Probation Office, or the United
14 States Bureau of Prisons.

15 MS. THOMAS: Juror number 0358. Question No. 15.

16 THE COURT: 15: Have you, any member of your family,
17 or any close friends ever been involved in any legal dispute
18 with the United States Government, or any agency of the
19 government, including the FBI, the U.S. Postal Service, or any
20 state or local government?

21 MS. THOMAS: Your juror number is number five?

22 And Question No. 17, Your Honor.

23 THE COURT: 17: Do you have any opinions about
24 prosecutors, law enforcement agents, or other law enforcement
25 personnel, favorable or unfavorable, that would prevent you

1 from rendering a fair and impartial verdict in this case?

2 MS. THOMAS: Juror number? Juror number 30.

3 Questions No. 11 and 12, please.

4 THE COURT: Okay. No. 11: Have you or a member of
5 your immediate family ever attended law school, received legal
6 training, taken a paralegal course, or worked with a lawyer,
7 law firm, in a courthouse or as a paralegal, legal secretary,
8 or private investigator? That's question No. 11.

9 MS. THOMAS: Juror number?

10 THE COURT: Oh, wait a minute. Don't I have to do 12
11 as well?

12 MS. THOMAS: Oh, I'm sorry, yes.

13 THE COURT: 12: Have you, any member of your family,
14 or friend ever been employed by or sought employment with the
15 United States Courts, United States District Court for the
16 District of Maryland, United States Department of Justice, any
17 United States Attorneys' Office, State Attorney Office, or
18 other prosecutor's office, FBI, U.S. Postal Service, or any
19 other court system or law enforcement agency, local, state, or
20 federal. Have you ever sought employment or been employed by.
21 That's No. 12.

22 Next one?

23 MS. THOMAS: What's your juror number? Juror number
24 252. Question No. 30 -- 32 -- 32.

25 THE COURT: 32?

1 MS. THOMAS: Question No. 32, Your Honor, yes.

2 THE COURT: Okay. 32: Have you, any member of your
3 family, or any close friends ever been the victim of a crime, a
4 witness to a crime, or a witness for the prosecution or defense
5 in any criminal trial?

6 MS. THOMAS: Juror number? Juror number 386.
7 Questions 23 and 31.

8 THE COURT: Okay. 23: Some of the victims and
9 witnesses in this case may be in this country without
10 authorization. Do you have any views about undocumented
11 immigrants or the government's immigration policies that may
12 affect your ability to be a fair and impartial juror in this
13 case? That's Question 23.

14 Question 31: Have you, any member of your family, or any
15 close friends ever been convicted of a crime, accused of
16 criminal conduct, or been the subject of a criminal
17 investigation?

18 MS. THOMAS: Juror number 236. Questions 4 and 5.

19 THE COURT: All right. Question No. 4: This trial
20 is estimated to take up to nine days, beginning today. We will
21 sit from 9:30 to 5 p.m. Generally, we'll take a morning break
22 and an afternoon break, each about 15 minutes, and an hour for
23 lunch. We will not be sitting on Friday, July 15th, or Friday,
24 July 22nd. Is there any reason why you cannot serve as a juror
25 for these dates and times? That's No. 4.

1 No. 5: Are you taking any medication that could affect
2 your ability to pay full attention during trial?

3 MS. THOMAS: Juror number? 0230. Question No. 8.

4 THE COURT: No. 8: Do you have any difficulty
5 understanding English such that it may be difficult to follow
6 the testimony in this case?

7 MS. THOMAS: Thank you, Your Honor.

8 THE COURT: All right. Thank you all. We're going
9 to take a short break. The Jury Committee will collect your
10 questionnaires. So just sit tight and make sure that they get
11 them in the order that they need them, and then we'll resume
12 with individual voir dire.

13 All right. Counsel, anything before we -- it looks like
14 the connection is -- we're off.

15 Anything before we take our quick break? I would imagine
16 it will take 15, 20 minutes.

17 THE COURTROOM DEPUTY: It may be quicker.

18 THE COURT: It may be less than that? Okay, great.
19 Then sit tight. Maybe we can get this going even faster.
20 Okay, great. Thanks so much.

21 THE COURTROOM DEPUTY: This Honorable Court now
22 stands in recess.

23 (Recess taken, 10:33 A.M. - 10:54 A.M.)

24 THE COURTROOM DEPUTY: May I have your attention,
25 please.

1 This Honorable Court now resumes in session.

2 THE COURT: All right. Are we ready?

3 THE COURTROOM DEPUTY: Your Honor, are you ready for
4 our first juror?

5 THE COURT: I am. Everybody ready?

6 MR. MOOMAU: Yes, Your Honor.

7 THE COURT: Okay.

8 (Enter juror number 5.)

9 THE COURTROOM DEPUTY: Your Honor, can the jurors
10 take off their mask when they come to the microphone?

11 THE COURT: Yes, please. If you're comfortable, we
12 are too. All right, great.

13 PROSPECTIVE JUROR NO. 5

14 a prospective juror, having been first duly sworn to answer
15 questions, was examined as follows:

16 EXAMINATION

17 BY THE COURT:

18 Q. Good morning.

19 A. Good morning.

20 Q. Juror number 5.

21 All right. I want to follow up with you on some of your
22 "yes" answers. You answered yes to No. 9, which is whether
23 you've ever served as a juror in any grand jury or criminal
24 case. Can you tell us a little bit about that?

25 A. Well, it seems like it was a hundred years ago. It was in

1 the '80s, and it was in Washington, D.C., and it was an assault
2 case, and we found the defendant not guilty.

3 Q. Okay.

4 A. That's all I remember.

5 Q. All right. Is there anything then about that experience
6 that would affect your ability to be a fair and impartial juror
7 if selected in this case?

8 A. No.

9 Q. Okay. All right, then I'll go through all of the yes
10 answers and then turn it over to the parties for follow-up.

11 You also answered yes to 11, which is whether you, a
12 family member ever attended law school, received any training
13 in the law, worked for a law firm. What is -- why did you
14 check yes to that?

15 A. I do have family members. I have two stepsisters that are
16 attorneys and a nephew that attended law school.

17 Q. Can you speak a little -- or maybe we can turn the --

18 A. I don't think it's on.

19 Q. It may not be on, because I can barely hear you.

20 A. I have two stepsisters that are attorneys here in the DMV,
21 and I have a nephew that attended law school. I mean, he
22 didn't finish but --

23 Q. Okay. So stepsisters who are lawyers. Are they in
24 criminal law?

25 A. No, not now.

1 Q. All right. Do you speak with them about their jobs in
2 particular?

3 A. Yes.

4 Q. All right. Anything about the conversations that you have
5 would affect your ability to be fair and impartial in this
6 case, or influence you in any way about the criminal justice
7 system?

8 A. No.

9 Q. Okay.

10 All right, No. 12 you checked yes, and this is whether a
11 family member or friend or you sought employment with,
12 essentially, any federal, state, or local agency.

13 A. Yeah.

14 Q. Or are employed.

15 A. That would be my brother-in-law, and he worked for them,
16 too.

17 Q. He worked for who?

18 A. He worked for the Maryland prison system.

19 Q. Okay.

20 A. And then he was a federal parole officer.

21 Q. And a federal parole officer?

22 A. Yes.

23 Q. Is he currently employed in either of those places?

24 A. That was his career, and he retired a few years ago.

25 Q. Okay. Again, would you talk with him about the

1 particulars of his job?

2 A. Yep, a lot. He talked about it a lot.

3 Q. All right. Did anything that he shared with you, would it
4 affect your ability to be fair and impartial in this case?

5 A. I don't think so, no.

6 Q. So you hesitated a little bit and thought about it. What
7 were you thinking about?

8 A. I was just thinking about conversations that we have, you
9 know, and I heard a little bit about what this case is about.
10 I don't recall him saying anything that would affect this case.

11 Q. Okay.

12 A. But he does have a lot of opinions about the system.

13 Q. Would you be able to keep his voice and his opinions out
14 of your head and judge this case based solely on the evidence
15 you hear in this court and the instructions I give you?

16 A. I think so.

17 Q. All right. Do you have any hesitation in that regard?

18 A. No. I mean, I can't guarantee that, you know, something I
19 heard might be relative to something that comes up in the
20 future, and I might recall something I heard and think about
21 it; but, I mean, I'm intelligent. So I can make my own
22 decision.

23 Q. And that's the bottom line is we're human. So things may
24 fly into your head about personal experiences that you had as
25 the trial goes on, but it's the willingness and ability to put

1 those out of your head once they happen and focus just on the
2 evidence and the instruction I give you. And I'm hearing you
3 that you'll be able to do that?

4 A. I think so, yes.

5 Q. All right.

6 Okay. And then you also answered yes to No. 15, which is
7 whether you, a family member, or close friend had ever been
8 employed by -- and it lists a number of court agencies,
9 including parole. Did you check yes because of your
10 brother-in-law?

11 A. That's correct.

12 Q. Okay.

13 And then 16, you checked yes but then said, "don't know."
14 And this is the question about whether you have any opinions,
15 favorable or unfavorable about a number of government agencies;
16 FBI, postal service, police department, Prince George's County,
17 Montgomery County Police Department, or law enforcement. And
18 you checked yes, but then you put "don't know."

19 A. Right. So I do have a little bit of a bad taste because
20 my son was a victim, and the encounter we had with Montgomery
21 County Police was very unpleasant.

22 Q. Okay.

23 A. We were not happy with the outcome. We're not happy with
24 the attention they gave the case. It was traumatic for the
25 whole family, and we didn't think it was important to them.

1 Q. And are you talking about the police involved or the
2 prosecutors or both?

3 A. The police. It did not go to trial.

4 Q. Okay.

5 A. So I can't remember if your question pertained to that.
6 It never went to trial.

7 Q. All right. Well, I'm sorry about that, and that is
8 another example of what I'll be asking you to do, which is put
9 these personal experiences to the side and judge this case and
10 the witnesses who are called solely on what you hear and what
11 you see in this court. Would you be able to do that if any
12 Montgomery County Police were called to the stand?

13 A. Yes.

14 Q. Okay. All right, and that's No. 16.

15 You also checked 18 -- no, 19. You checked yes as to
16 whether you would tend to give greater or lesser weight to the
17 testimony of a defense witness simply because the person is a
18 defense witness. Do you recall why you checked yes to that?

19 A. I know that I shouldn't have. That's the wrong answer.

20 Q. That's okay. That's why -- you're being honest, and so
21 we've got to talk about this.

22 A. I just know that I find it difficult to understand why a
23 defendant doesn't want to take the stand, but I understand
24 that's their right.

25 Q. Well, and so I'll let you know, this is the instruction

1 you'll be given. It's a constitutional right. It's
2 fundamental. And that's because the government has to bear the
3 burden. They bear the burden of proof. As citizens accused,
4 we're presumed innocent, and we don't have anything to prove.
5 That's just the structure of the system. So that is
6 fundamentally why a defendant does not have to testify, and you
7 will be specifically instructed in the beginning of the case
8 not to hold any of that against the defendant if he chooses not
9 to testify.

10 Now, I know you checked yes to this, but knowing where
11 this constitutional principle comes from, could you follow my
12 instruction in that regard?

13 A. Sure. I mean, you just explained it. It makes sense. If
14 the government is not proving their case, I probably wouldn't
15 want to take the stand if I was a defendant.

16 Q. Right. Okay. All right, any questions about that before
17 we move on?

18 A. No.

19 Q. You also checked yes to 20, which is whether you have any
20 views about cooperators who may be testifying in exchange for
21 possibly a reduced sentence, and you checked yes to that. What
22 were you thinking about?

23 A. I just find it highly suspect.

24 Q. Okay.

25 A. And it would be really hard to -- for me, I think. I

1 mean, I haven't heard the testimony. So I'm just imagining.
2 But, I mean, if you're promised a gift in return for testimony,
3 I don't know how much weight I would give what they said.

4 Now, if they wanted to testify and they are not giving
5 anything, you know, like someone in the jailhouse wants to come
6 forth and they are not given any favors to testify, I would
7 like at that differently.

8 Q. Okay. So, again, there will be instructions about this.
9 You will get instructions about how you can consider how a
10 person testifies and whether they are what's called credible,
11 which is believable.

12 You'll get instructions on what it means to possibly be
13 given something in exchange for testimony, that it's perfectly
14 legitimate for the government to make these deals. But at the
15 same time, you can consider it. You're not to ignore it.

16 And so these are just the rules of the road in terms of
17 being able to assess if you believe the witnesses?

18 A. Okay.

19 Q. Would you be able to take these thoughts that you had
20 before coming in, put them to the side, and follow my
21 instructions on how you would assess the credibility of every
22 witness, including those who may be cooperating?

23 A. Sure.

24 Q. Okay. Any concern or hesitation in that regard?

25 A. No. I mean, I was answering the questions just based on

1 what I'm thinking at the moment.

2 Q. All right.

3 A. But if the judge is going to explain, you know, the rules,
4 then I'm going to listen to the judge.

5 Q. Okay. All right, great. Thank you.

6 All right. With regard to 21, this question asked about
7 whether you have any views about MS-13 that may affect your
8 ability to be fair and impartial. What were you thinking about
9 that?

10 A. Well, I mean, what I know of MS-13 is what I hear in the
11 news. So it's a gang and, you know, they're up to no good. So
12 if you're a member of a gang, then I'm automatically looking at
13 you as a bad guy. You know, so I don't know if that answers
14 that question.

15 Q. So that's another area, again, where you might come in
16 with things you've learned from the outside that make you feel
17 a certain way, but my question is going -- my instruction is
18 going to be you have to leave all of that on the front steps of
19 the courthouse and judge the case on the evidence that you hear
20 in this case about what people did and did not do and draw your
21 own conclusions based on that evidence and the law that I give
22 you.

23 A. Correct.

24 Q. Would you be able to do that?

25 A. Sure.

1 Q. Okay.

2 A. Yeah.

3 Q. 22: You checked yes about your views about violent crime
4 or the government's enforcement of that crime that may affect
5 your ability to be fair. What were you thinking about there?

6 A. I think I was just thinking about my son's case.

7 Q. Your son?

8 A. Yeah.

9 Q. Okay. All right. Nothing else that we haven't already
10 talked about?

11 A. No.

12 Q. Okay. Is there anything else you want to add to that
13 answer?

14 A. No.

15 Q. Okay.

16 All right. And I believe those are all of your yes
17 answers.

18 THE COURT: Let me turn to the government for any
19 follow-up and then the defense.

20 MR. MOOMAU: Do we stay seated when asking the
21 questions?

22 THE COURT: Sure. I think that's safest if you can
23 do it, Mr. Moomau, because I know that the microphone is behind
24 you. So it's a little bit wonky. I don't know if you want
25 to --

1 BY MR. MOOMAU:

2 Q. I just have one question for juror number 5. In the case
3 involving your son --

4 THE COURT: Can you maybe move the microphone. Take
5 it with you.

6 BY MR. MOOMAU:

7 Q. The case involving your son, ma'am, how many years ago was
8 that?

9 A. Five, six.

10 MR. MOOMAU: That's all the questions I have, Your
11 Honor. Thank you.

12 THE COURT: Okay, thank you.

13 MR. DAVIS: We have no questions for this witness,
14 Your Honor.

15 THE COURT: All right. Thank you, juror number 5.
16 You're free to go.

17 JUROR NUMBER FIVE: Okay.

18 (Exit juror number 5.)

19 (Enter juror number 9.)

20 PROSPECTIVE JUROR NO. 9

21 a prospective juror, having been first duly sworn to answer
22 questions, was examined as follows:

23 EXAMINATION

24 BY THE COURT:

25 Q. Hi there. Juror number nine?

1 A. Yes.

2 Q. Good to meet you. You don't have to take your mask off.

3 You can if you want. And just be sure to speak clearly into

4 the microphone? Okay?

5 A. Okay.

6 Q. All right, great.

7 I just want to follow up with you on some of your yes

8 answers. You answered yes about having a family member who

9 either attended law school or received legal training, and I do

10 note you're -- am I getting it right? Your spouse is a lawyer?

11 A. Correct.

12 Q. All right. Is that what caused you to check yes, or is

13 there more?

14 A. Just my husband.

15 Q. Okay. What kind of law does he practice?

16 A. Government contracts.

17 Q. Okay, so not in court, in criminal cases, or anything like

18 that?

19 A. No.

20 Q. So would anything about your husband's job affect you in

21 terms of being fair in this case?

22 A. No.

23 Q. Okay.

24 All right, and then you also checked yes to 12, which is

25 you, a member of your family employed by the government, the

1 federal government; U.S. Courts, U.S. Attorney's Office, FBI.

2 Were you thinking about your husband or somebody else?

3 A. Yeah, he -- like, in law school, he did like an internship
4 or something in Chicago, and I couldn't really recall exactly
5 what that was, whether it was for -- I think it was with the
6 state, though.

7 Q. Got it. So there's nothing else that caused you to check
8 yes to that question?

9 A. No.

10 Q. Okay.

11 And then you also checked yes to No. 21, which is the
12 question about MS-13, whether you have any views about MS-13
13 that may affect your ability to be fair and impartial.

14 A. Yes.

15 Q. Okay. Can you tell us about that?

16 A. Just my limited knowledge on what the MS-13 is and that
17 they're a gang and kind of scary.

18 Q. All right. So I take it you've never served in a criminal
19 trial before?

20 A. No.

21 Q. Okay. So one of the things that you will get in the
22 beginning and at the end of the case is instructions about how
23 to be a juror in the case. One of the important instructions
24 is as a juror, you leave any of the stuff you've learned in
25 life or the feelings that you may have, personal feelings, at

1 the door, and you judge the case based only on the evidence
2 that you hear in this courtroom and the instructions that I
3 give you about how to look at that evidence.

4 Would you be able to follow my instruction in that regard?

5 A. Yes.

6 Q. Okay. Any hesitation or concern about that?

7 A. No, I think that's why I originally checked like no and
8 then --

9 Q. Okay. All right.

10 THE COURT: Let me turn to counsel if they have any
11 follow-up for you. Government?

12 MR. MOOMAU: No questions for the government, Your
13 Honor. Thank you.

14 THE COURT: Defense?

15 MR. DAVIS: No questions, Your Honor.

16 THE COURT: All right.

17 Thank you, juror number 9. You're free to leave.

18 (Exit juror number 9.)

19 THE COURT: Okay. So, Counsel, when we have someone
20 with no "yes" answers, I leave it largely up to you to explore
21 whatever you need to explore with that witness. Okay -- or
22 juror.

23 (Enter juror number 11.)
24
25

1 PROSPECTIVE JUROR NO. 11

2 a prospective juror, having been first duly sworn to answer
3 questions, was examined as follows:

4 EXAMINATION

5 BY THE COURT:

6 Q. Good morning. Juror number 11?

7 A. Good morning, Your Honor.

8 Q. Okay, good morning. And if you want, you can take off
9 your mask to talk. You don't have to. We wipe down the mic
10 every time. It's totally up to you.

11 A. I'm fine.

12 Q. You're good?

13 A. Yes.

14 Q. Okay.

15 I see that you did not check any yeses except to the
16 question about vaccination. So I'm going to ask the lawyers if
17 they have any follow-up questions for you. Okay?

18 A. Okay.

19 THE COURT: All right. Government?

20 MR. MOOMAU: No questions, Your Honor. Thank you.

21 THE COURT: Okay. Defense?

22 MR. DAVIS: Briefly.

23 BY MR. DAVIS:

24 Q. Are you a civilian with the -- as naval air traffic, or
25 are you military?

1 A. I'm retired Navy; working for the government.

2 MR. DAVIS: I have nothing further. Thank you.

3 THE COURT: Okay. Thank you, juror number 11. I
4 appreciate your time. Oh, wait a minute.

5 MR. DAVIS: Sir, what was your specialty in --
6 actually, I'm going to defer to my co-counsel.

7 BY MR. MARTIN:

8 Q. What was your specialty code when you were in the Navy?
9 What did you do?

10 A. I was an aviation special mechanic, hydraulics.

11 Q. Thank you, sir.

12 BY THE COURT:

13 Q. So you know all about how to keep planes in the air?

14 A. Yes, ma'am.

15 Q. Very much appreciate that. Thank you so much.

16 A. Thank you.

17 (Exit juror number 11.)

18 THE COURT: Counsel, before we go on to our next
19 potential juror, we did receive that 66 jurors are vaccinated;
20 10 are not. So we have 76 total. Are you comfortable with
21 releasing the jurors? And I can give you their numbers so that
22 you know where they come in the lineup: 15, 70, 137, 139, 179,
23 252, 307, 333, 358, 362. And so that would bring us, if we
24 did, that would bring us down to 66 to choose.

25 Brian, give me the golden number.

1 THE COURTROOM DEPUTY: We need 35 good jurors.

2 THE COURT: 35 for 3 alternates.

3 THE COURTROOM DEPUTY: Correct.

4 THE COURT: 36 for 4.

5 THE COURTROOM DEPUTY: Correct.

6 THE COURT: We already have three in the box.

7 THE COURTROOM DEPUTY: Can I just confirm that it's
8 just 179 and not 170 and 179?

9 THE COURT: Yes, it's just 179. That was my mistake.
10 Did you all get those numbers? You need them again? 15, 70,
11 137, 139, 179, 252, 307, 333, 358, 362.

12 So, you know, this is intended to be a timesaver. If you
13 all have concerns about it, we can keep them, and you can
14 follow up with individual voir dire. Know this, though, I
15 think with the numbers being what they are in terms of Covid,
16 we are better served, at least with respect to the numbers
17 above 300 or lower than 300, to let those folks go so that we
18 are all as safe as we can be.

19 But, you know, if we let go the first one, two, three,
20 four, five, we still have five in the lower half in case we
21 need them, but we're not risking any additional danger that
22 comes with unvaccinated folks in the courthouse or with us.
23 But with that, I leave it totally up to you. Your show.

24 MR. DAVIS: We're inclined to release them, Your
25 Honor.

1 THE COURT: Government?

2 MR. MOOMAU: I couldn't tell what Mr. Davis said.

3 THE COURT: I think he said he's fine to release
4 them. So we would release 15 through 179. See where we are
5 when we get, you know, to the 100s. If we can get through 179,
6 we're --

7 MR. MOOMAU: That's fine, Your Honor.

8 THE COURT: Okay.

9 MR. MOOMAU: We're good with that.

10 THE COURT: All right. So let's do that.
11 Mr. Ulander, let's release and me not question 15, 70, 137,
12 139, 179. And then we will revisit when we get past the 100s
13 if we do.

14 THE COURTROOM DEPUTY: Yes, Your Honor.

15 THE COURT: Okay, great. Thanks.

16 And for the record, we'll release them for cause/hardship
17 in terms of their vaccination status. Okay, let's get those
18 crossed out.

19 THE COURTROOM DEPUTY: And I will go get juror number
20 14.

21 THE COURT: Okay, great. Thanks.

22 (Enter juror number 14.)

23 PROSPECTIVE JUROR NO. 14,
24 a prospective juror, having been first duly sworn to answer
25 questions, was examined as follows:

EXAMINATION

BY THE COURT:

1
2
3 Q. Good morning, juror number 14. I want to follow up with
4 you on your yes answers. You answered yes to number eight
5 about whether understanding English might be hard for you.

6 A. Not really but I cannot write well.

7 Q. You cannot write well. How about reading? Can you read
8 okay?

9 A. I can -- yeah, I can, I can read.

10 Q. Okay, because you're -- I see that you work at McDonald's?

11 A. Yes, ma'am.

12 Q. And you have to, I would imagine, read some English to be
13 able to do your job?

14 A. Of course, yes.

15 Q. Okay.

16 A. Yes, I do. Yes. Yes, in the place where I work, yes,
17 I -- yes, I speak English, and also I take the order from the
18 screen.

19 Q. Okay. So you do have to be able to read all of that?

20 A. Yes.

21 Q. Okay.

22 Now, since you take orders from a lot of different people,
23 is it fair that you understand people talking okay? So
24 witnesses that might testify, you would be able to understand
25 them all right? Or do you have concern about that?

1 A. It depends.

2 Q. What do you think it depends on?

3 A. Based on, I mean, the way that they speak the language,
4 like English. Because many people, they have a different way
5 to speak English. You know, it doesn't sound -- let's say like
6 me. I was not born here, but I'm American citizen. My English
7 is not the same like somebody who was born here in America.

8 Q. Right.

9 A. And that's, you know, a little bit of, you know -- that's
10 the difference.

11 Q. Okay.

12 A. You know, to understand a little bit. People from
13 Jamaica, they are born in Jamaica, but they are here. They are
14 American citizen.

15 Q. Yes.

16 A. The way they speak English is not, you know, the same
17 again. That's -- yeah.

18 Q. Are you talking about accents?

19 A. Exactly. That's where I'm coming from.

20 Q. How long have you been in the United States?

21 A. Over 30 years.

22 Q. Thirty years?

23 A. Yes, over. Yes.

24 Q. Okay. All right, and you said you're a citizen?

25 A. Yeah, I am citizen because if I was not a citizen, I would

1 not be here. Right?

2 Q. Well, good point. Very good point. Okay.

3 If you were able during trial to raise your hand if you
4 didn't understand something, so it could either be said louder
5 or more slowly, would that --

6 A. That would be fine.

7 Q. Would that take care of any concerns you have?

8 A. (Nodding head).

9 Q. Okay. All right. Was that a yes? I'm sorry.

10 A. Yes.

11 Q. Okay, wonderful.

12 Okay. With respect to -- you also checked yes to 21,
13 which is the question about MS-13 and whether you have views
14 about MS-13 that would affect your ability to be a fair juror?

15 A. No, no, no. That one I didn't understand. It would not
16 affect. Right.

17 Q. Okay. So the question was about if you've heard or read
18 things about MS-13, would you be able to forget about those
19 things when you're sitting as a juror and decide this case only
20 on the evidence you hear in this courtroom. Could you do that?

21 A. Yes.

22 Q. Okay. Any concern or hesitation about that?

23 A. No.

24 Q. Okay.

25 All right. Now, it looks like you originally checked yes

1 for 22 but then checked no.

2 A. Right.

3 Q. Okay. And so let me make sure I'm clear with you. 22
4 asks if you have any views about violent crime or the
5 government's enforcement of the crimes that may affect your
6 ability to be fair and impartial. Do you have any concerns
7 about that? Any views about violent crime or how the
8 government prosecutes people?

9 A. No.

10 Q. Okay.

11 All right. You also checked yes to number 28, which is
12 whether you would have difficulty following my instruction
13 about the following: If you've seen programs about crime,
14 crime shows, how things work in the lab, how crimes are solved,
15 my instruction to you would be you can't use any of that. You
16 have to put it out of your head. That's all fictional and it
17 doesn't belong in this court.

18 Would you be able to follow my instruction in that regard?

19 A. Yes.

20 Q. Okay. Any concern about that?

21 A. No.

22 Q. Okay. And then 35 asks you if -- I'm going to instruct
23 you, if you're a juror, that you can't consider if a person is
24 convicted what sentence they might get. You can't consider
25 punishment. Punishment is not your concern as a juror. Would

1 you be able to follow my instruction?

2 A. Yes.

3 Q. And not think about punishment as you're sitting,
4 listening to the case?

5 A. Yes.

6 Q. All right.

7 THE COURT: Government, follow-up?

8 MR. MOOMAU: Your Honor, normally we don't do this,
9 but because of the juror's employment, and there might be a
10 particular address and a McDonald's that comes up during the
11 testimony, I need to ask a question about if she is employed at
12 a McDonald's at a particular address.

13 THE COURT: So can you ask -- right. Can you give
14 the address?

15 MR. MOOMAU: Yes.

16 THE COURT: Sure. That's fair.

17 BY MR. MOOMAU:

18 Q. Ma'am, there may be some testimony about a McDonald's at
19 5600 Riverdale Road, Riverdale Park, Maryland.

20 A. Say that again.

21 Q. There may be some testimony about a McDonald's at 5600
22 Riverdale Road in Riverdale Park. That's not the McDonald's
23 you work at?

24 A. No.

25 Q. All right.

1 MR. MOOMAU: Okay. That was my only question, Your
2 Honor.

3 THE COURT: Okay. Defense?

4 MR. DAVIS: Your Honor, just briefly.

5 BY MR. DAVIS:

6 Q. Ma'am, what is your native tongue?

7 A. I'm sorry, sir?

8 Q. What language do you speak?

9 A. Oh! I speak -- I mean, the language I was born with is
10 called Lingala.

11 Q. Lingala?

12 A. Lingala, yes. But French is like my second language.

13 Q. And what do you speak at home?

14 A. I'm sorry?

15 Q. At home what do you speak?

16 A. Oh, at home? You mean here or --

17 Q. No, no, in your house. At night when you go home after
18 work?

19 A. Oh, no, English.

20 Q. English?

21 A. Yes.

22 Q. And how -- and this case is going to involve Spanish
23 speaking individuals with English translations. I mean, is it
24 going to be difficult for you to kind of follow all of this?

25 A. I'm not -- I don't know how -- I don't know anything about

1 Spanish.

2 Q. No, I'm just talking about --

3 A. Yeah. The English, yes. I mean --

4 Q. With no problem? You'll be able to --

5 A. Right. Yes.

6 Q. Thank you.

7 THE COURT: Okay. Thank you, ma'am. I appreciate
8 your time.

9 JUROR NUMBER 14: Okay. Thank you.

10 THE COURT: Have a good day.

11 MR. DAVIS: Your Honor, I know that the witness
12 indicated that she --

13 THE COURT: She's still here. Wait one second.

14 (Exit juror number 14.)

15 THE COURT: Okay, go ahead.

16 MR. DAVIS: Your Honor, I know that the juror
17 indicated that she can understand English, but I noticed
18 hesitation whenever anyone said something, and I'm concerned
19 with a nine-day trial that she's not going to be able to keep
20 up; and I think what's going to happen is she's just going to
21 follow the crowd.

22 THE COURT: Well, I disagree. I think that this
23 witness is highly intelligent. She speaks more than one
24 language. She understood my questions perfectly, and she was
25 quite candid, which is what we want; but in the end, she made

1 it quite clear that she understands English, and to the extent
2 there will be any Spanish issues, we have English interpreters.
3 So I'm going to deny the for-cause challenge, and she will be
4 in our potential pool. Okay.

5 MR. MARTIN: Your Honor, Your Honor, if I may?

6 THE COURT: Yes.

7 MR. MARTIN: I think it's just -- it's more than just
8 a question of whether or not she understands. It's also a
9 question of during deliberations, whether she can be
10 persuasive; and my impression was that she did not have
11 sufficient command of the English language to play that role.
12 We want each member of the jury to be able to engage.

13 THE COURT: I understand the issue. Government?

14 MR. MOOMAU: Your Honor, I think -- I have concerns
15 about it. Just not that she'll -- not about her ability to
16 understand. I think it puts a lot on her to have to stand up
17 and raise her hand whenever there's an issue, and I'm worried
18 that if she's the only one that's doing that --

19 THE COURT: Well, I was curious as to whether she
20 would do it, frankly, if it presented a problem, but she didn't
21 strike me as someone who would need to do it. However, if
22 you're jointly asking for her to be stricken, I'm not going to
23 upset progress.

24 MR. MOOMAU: Okay.

25 THE COURT: I mean, If you're both in agreement that

1 she's just not worth taking the risk, I'll strike her.

2 MR. MOOMAU: All right.

3 THE COURT: Okay.

4 MR. MARTIN: Thank you.

5 THE COURT: All right, no worries. Thank you for
6 that.

7 (Enter juror number 25.)

8 PROSPECTIVE JUROR NO. 25,
9 a prospective juror, having been first duly sworn to answer
10 questions, was examined as follows:

11 EXAMINATION

12 BY THE COURT:

13 Q. Juror number 25?

14 A. Yes, Your Honor.

15 Q. Good morning.

16 A. Good morning, Your Honor.

17 Q. I wanted to follow up with you about some of your yes
18 answers. You checked yes to number three, which is the long
19 list of people do you know. Who caused you to check yes to
20 that question?

21 A. I forgot what the long list of people were now.

22 Q. That's why -- yep. That was one of the reasons why I said
23 jot it down because --

24 A. Yes, you did, Your Honor.

25 Q. -- you won't be able to recall. It was a long list. Was

1 it someone in the room? If you look around, anybody here that
2 caused you to check yes?

3 A. No, Your Honor.

4 Q. Or anybody downstairs in the jury pool?

5 A. I did recognize one individual in the jury pool.

6 Q. Okay. Tell me about that. How do you know the person?

7 Who is it?

8 A. Well, I didn't, obviously, talk to him, but he looked like
9 a member of Montgomery County Police Department that I knew.

10 Q. Okay. So were you employed in the Montgomery County
11 Police Department?

12 A. No, Your Honor.

13 Q. Okay. Then tell me about how you -- you said he looks
14 like someone you know?

15 A. Yes.

16 Q. Is it someone from your neighborhood? Or just tell us
17 about that.

18 A. I've seen him on duty before. I have a lot of interface
19 with a lot of Montgomery County Police officers.

20 Q. As part of your job or as --

21 A. No, just as a friendly gesture.

22 Q. I see. So as part of like in your community do you mean?

23 A. Yes, Your Honor.

24 Q. Okay. All right, so now that we've talked about it, does
25 this jog your memory? Was there anybody else?

1 A. That was the only individual, Your Honor.

2 Q. That was the only person, okay.

3 So let me ask you, if you were both selected to be jurors,
4 would the fact that you know him outside of this proceeding
5 affect how you serve as jurors together?

6 A. No, Your Honor.

7 Q. All right. Would you be able to follow instructions as to
8 not talking about the case until you all retire for
9 deliberating? Would you be able to follow my instruction in
10 that respect?

11 A. Yes, Your Honor.

12 Q. Okay.

13 All right. You also checked yes to number four, which is
14 whether the dates and times of this trial may pose a problem
15 for you.

16 A. Yes, it would, Your Honor.

17 Q. Can you tell us about that?

18 A. Certainly. I'm 71 years old, and I'm a caretaker for my
19 wife. She has a lot of conditions. She's recovering from
20 cancer and heart surgery, and I'm the sole provider.

21 Q. So there is no one else who can take care of her if you're
22 not there?

23 A. Exactly.

24 Q. Okay. All right, and is she home-bound?

25 A. Most of the time that's a correct statement.

1 Q. Okay. All right, do you have concerns about COVID as
2 well? Do you all stay pretty much in the house?

3 A. No, I have no concerns. We have both been vaccinated and
4 boosted twice.

5 Q. Okay. All right, not that that isn't enough, but is there
6 anything else that concerns you about the dates and times of
7 this trial?

8 A. No, Your Honor.

9 Q. Okay. All right.

10 All right. Sir, if you would step out for a moment, I
11 would appreciate it.

12 A. Yes, Your Honor. Certainly.

13 (Exit juror number 25.)

14 THE COURT: All right, before I went on and spent a
15 lot of time with follow-up questions, the sole caretaker of an
16 elderly person with these kind of health conditions seems to be
17 worthy of a for-cause strike, but I wanted to see where you all
18 are with that.

19 MR. DAVIS: I agree.

20 MR. MOOMAU: The government agrees.

21 THE COURT: Okay.

22 MR. MOOMAU: We make the motion if the defense
23 doesn't make it.

24 THE COURT: All right. Okay, so then we'll strike

25 25. Okay.

1 THE COURTROOM DEPUTY: So for Counsel, this is juror
2 number 30, but he wrote some notes so I'm going to slide it up.
3 (Enter juror number 30.)

4 PROSPECTIVE JUROR NO. 30,
5 a prospective juror, having been first duly sworn to answer
6 questions, was examined as follows:

7 EXAMINATION

8 BY THE COURT:

9 Q. Hi, juror number 30.

10 A. Hi.

11 Q. All right. Thank you so much for being here today, and I
12 want to just follow up with you on your yes answer, which it
13 looks like it was to number 12.

14 A. Yes. I have an aunt that works in the Department of
15 Justice.

16 Q. Okay. So that was the person you were thinking of?

17 A. Yes.

18 Q. Okay. Do you know what she does at the Department of
19 Justice?

20 A. Well, she's a retired paralegal.

21 Q. Okay. Was she in the criminal, if you know?

22 A. No. She's in Chapter 13 bankruptcy.

23 Q. Is there anything then about anything your aunt has ever
24 shared with you about her job that would affect your ability to
25 be a fair juror in this case?

1 A. No, Your Honor.

2 Q. Okay.

3 I think that was the only yes answer you had. So let me
4 turn to the government first and see if they have any follow-up
5 for you.

6 MR. MOOMAU: No questions, Your Honor. Thank you.

7 THE COURT: Okay. Defense?

8 MR. DAVIS: No questions, Your Honor.

9 THE COURT: All right. Thank you, sir.

10 (Exit Juror number 30.)

11 (Enter juror number 31.)

12 PROSPECTIVE JUROR NO. 31,
13 a prospective juror, having been first duly sworn to answer
14 questions, was examined as follows:

15 EXAMINATION

16 BY THE COURT:

17 Q. Good morning. Juror number 31?

18 A. Yes.

19 Q. I wanted to follow up with you about some of your yes
20 answers -- number 12 -- you answered yes to, which is whether
21 you, a family member, or friend ever been employed by -- and it
22 lists a number of agencies, the courts, FBI, U.S. Attorney's
23 Office. What caused you to check yes to number 12?

24 A. I work for CSOSA, Court Services Offender Services Agency.

25 Q. How long have you been with CSOSA?

1 A. Fourteen years.

2 Q. And what do you do for them?

3 A. I'm a case manager.

4 Q. So what does case management entail?

5 A. I'm like a counselor. I'm like a counselor, and I work on
6 a mental health/drug and alcohol unit.

7 Q. Okay. So you provide counseling services to individuals
8 under CSOSA's supervision?

9 A. Yes. And I place them in the community and so on.

10 Q. Okay. And have you done that your whole time, 14 years?

11 A. Yes. I'm also retired military. So I did it in the
12 military as well.

13 Q. Same thing?

14 A. Yes.

15 Q. Okay. And are the individuals you assist, are they in
16 pretrial or post conviction or both?

17 A. Both.

18 Q. All right. So if you're selected as a juror, one of the
19 instructions I'll give you is to take all of your experiences
20 that you've had in your current job, put them out of your mind,
21 and decide this case based solely on the evidence you hear in
22 this courtroom. Would you be able to do that?

23 A. Yes, ma'am. I believe so.

24 Q. Okay. Any cause for concern given that you're employed
25 basically in the Criminal Justice System?

1 A. No.

2 Q. Okay. All right, and then you also answered yes to number
3 14, which is whether you, a family member, or close friend had
4 ever been employed by -- and this talked about parole and
5 probation. Is your job the same reason why you checked yes to
6 that?

7 A. Yes.

8 Q. Okay.

9 All right, let me ask the government if they have any
10 follow-up for you.

11 MR. MOOMAU: No questions for juror 31. Thank you.

12 THE COURT: Okay, thanks.

13 BY MR. DAVIS:

14 Q. Ma'am, you indicated you did the same thing in the
15 military.

16 A. Yes.

17 Q. How long were you in the military?

18 A. I'm retired military. So 21 years and like 6 months.

19 Q. Thank you.

20 THE COURT: All right. Thank you, ma'am. Appreciate
21 your time.

22 (Exit juror number 31.)

23 (Enter juror number 36.)

24

25

1 PROSPECTIVE JUROR NO. 36,
2 a prospective juror, having been first duly sworn to answer
3 questions, was examined as follows:

4 EXAMINATION

5 BY THE COURT:

6 Q. Hi, sir.

7 A. Hi.

8 Q. Juror 36?

9 A. Yes.

10 Q. All right. I'm going to follow up on some of your yes
11 answers.

12 A. Okay.

13 Q. I'm going to take number 4 and number 36 together, because
14 I think they might have something to do with each other.

15 A. Okay.

16 Q. Number four was about whether the dates and times --

17 A. Yes.

18 Q. -- might affect your ability to serve. And number 36 was
19 is there anything else that might affect your ability to serve.
20 Is my hunch right, that they might have something to do with
21 each other?

22 A. Well, yeah. I guess so, yeah.

23 Q. All right. Well, you tell me. What's going on?

24 A. It's kind of the same thing. So I just answered yes to
25 both of them, I guess.

1 Q. Sure.

2 A. So my family is currently in New York, and they are there
3 for a wedding, which is going to be this Saturday coming up,
4 and it's her cousin's wedding. And it's a -- you know, a very
5 just small group of people, but I'm supposed to be doing all of
6 the grilling and cooking there this Saturday. So that's like
7 one of the things why.

8 Q. Okay.

9 A. And I know you -- so it would be going through on Saturday
10 too, right?

11 Q. Oh, no, no, no.

12 A. Oh, no?

13 Q. As a matter of fact, I was going to ask you if you're
14 planning to go up on Friday, for example.

15 A. Right.

16 Q. You're in luck.

17 A. Okay.

18 Q. Because we will not be sitting --

19 A. I just heard every day. So I wasn't sure. You didn't say
20 anything about weekends.

21 Q. Yeah, no.

22 A. Okay.

23 Q. We'll sit -- this week Thursday will be our last day this
24 week.

25 A. Okay.

1 Q. And then we'll start up on Monday.

2 A. Okay.

3 Q. Does that answer your concerns about that?

4 A. Yeah, for that question, yes.

5 Q. Okay, great.

6 And is there anything else about the dates or times that
7 would affect your ability to serve?

8 A. Other than that, if I don't -- which I'm sure a bunch of
9 people are the same way. I'm in the restaurant business. So
10 if I don't work, I don't get any money, and it's -- you know,
11 the 15th is coming up, which is Friday, which is one of the
12 reasons why it's going to be really hard for me to miss work
13 because I'm still trying to get my money for the mortgage
14 together.

15 Q. Okay. And when do you usually work?

16 A. Monday through Friday during the day.

17 Q. During the day, of course.

18 A. Yep.

19 Q. Do you have any ability -- I know it would be a sacrifice
20 --

21 A. Right.

22 Q. -- and I'm not minimizing it, but if you were selected,
23 could you shift hours and work after court or is --

24 A. Yeah, I could probably work something out with my owners
25 and the rest of the people I work with.

1 Q. Okay. All right, you do receive, it's not a lot --

2 A. Right.

3 Q. -- but you do receive a stipend to help, you know --

4 A. Right.

5 Q. -- defray the cost.

6 A. Right.

7 Q. But we're mindful of that.

8 A. Okay.

9 Q. So I appreciate that.

10 A. Yep.

11 Q. Anything else with respect to question four?

12 A. No, that was it.

13 Q. All right.

14 You also answered yes to number 12 and 14, which might be
15 related. It's about whether you, a family member, or friend is
16 employed by federal government agencies, state, local?

17 A. Right. I think one of the -- it said -- well, my wife
18 applied for FBI.

19 Q. Your wife applied for the FBI?

20 A. Applied for the FBI, yes.

21 Q. Okay.

22 A. And then I have a lot of friends that are in the --

23 with -- I have one friend that's in the FBI and a couple other
24 ones that are in -- like a detective from Montgomery County and
25 then some other Montgomery County cops.

1 Q. Okay. So let's start with your wife. The fact that she
2 applied to the FBI, would that affect your ability to be fair
3 and impartial in this case?

4 A. No.

5 Q. How about the friends who are in law enforcement? Do they
6 talk to you about their jobs?

7 A. Yeah, and they have talked about MS-13 quite a bit so --

8 Q. Okay. All right, and I take it you -- let's see -- yep,
9 you answered that question yes as well.

10 A. Yeah.

11 Q. So if you are selected, one of the instructions that I
12 would give you is anything you've learned --

13 A. Right.

14 Q. -- from your friends in law enforcement about MS-13,
15 anything, you have to check it at the door --

16 A. Right.

17 Q. -- and not consider it.

18 A. Right.

19 Q. Decide this case only on the evidence you hear in the
20 court and my instructions.

21 A. Right.

22 Q. Would you be able to do that?

23 A. I mean, I would like to say I would, but I -- I'm not a
24 hundred percent. It's just they have talked not about cases or
25 like stuff but just about instances that have happened and

1 stuff like that. So I just -- I don't know how to say it. I'm
2 not a fan of MS-13. I don't know how else to say that. But I
3 would like to say I would be impartial but I don't know. I'm
4 not a hundred percent positive.

5 Q. Understood.

6 How about number 23, which is -- you answered yes to that
7 one, which is about whether you have any views about persons
8 who are here without authorization that might affect your
9 ability to be fair and impartial.

10 A. Right. So, again --

11 Q. Is that similar information?

12 A. Pretty much. Yeah, it's not that I don't like immigrants
13 or undocumented workers. It's just they're kind of tied
14 together I guess with MS-13.

15 Q. Okay. Got it.

16 How about -- you answered yes to 26, which is reading,
17 writing, and speaking Spanish. Can you tell us about that?

18 A. I didn't know what else to say. I mean, I work in the
19 restaurant business. So I work with a lot of Spanish -- so I
20 know some like broken Spanish and a little Spanish here and
21 there.

22 Q. Okay.

23 A. But I couldn't follow a conversation if someone talked to
24 me like strictly in Spanish.

25 Q. Got it. So if I were to instruct you, you would listen

1 only to the English translation?

2 A. Yes.

3 Q. You're good with that?

4 A. Yes, perfectly fine with that.

5 Q. All right.

6 Let me turn to the government and see if they have any
7 follow-up for you.

8 MR. MOOMAU: No questions, Your Honor. Thank you.

9 THE COURT: Defense?

10 MR. DAVIS: No questions.

11 THE COURT: Okay. Thank you, sir.

12 JUROR NUMBER 36: Okay.

13 (Exit juror number 36.)

14 MR. DAVIS: Your Honor, honestly I think he would
15 probably make a good juror, and I think his answers are partly
16 influenced by the fact that he's not going to be able to work
17 when he's here, and I don't think anybody wants to work
18 80 hours a week, 8 hours on the jury and 8 hours at night. So
19 for that reason, I would ask that he be stricken.

20 THE COURT: Government, any position --

21 MR. MOOMAU: The government is not going to oppose
22 it, Your Honor.

23 THE COURT: Okay. All right, then 36 is stricken.

24 (Enter juror number 38.)

25

1 PROSPECTIVE JUROR NO. 38,
2 a prospective juror, having been first duly sworn to answer
3 questions, was examined as follows:

4 EXAMINATION

5 BY THE COURT:

6 Q. Hi there. How are you?

7 A. I'm fine. Thank you.

8 Q. Good. Juror number 38?

9 A. Yes, ma'am.

10 Q. I'm just going to follow up with you on some of your yes
11 answers.

12 A. Yep.

13 Q. You answered yes to whether you, a family member, or
14 friend has been involved in a legal dispute with the
15 government. And then you also very clearly referenced to 31 as
16 well, which was about whether you, a family member, or friend
17 had been convicted, accused of a crime. So I'm assuming the
18 answer is that -- your follow-up is yes as to both?

19 A. Yes, correct.

20 Q. Okay. Can you tell us about that?

21 A. Yes. Just in full transparency, my former husband,
22 divorced for seven years, but in 2005, he was indicted for wire
23 fraud through the FBI, pled guilty. So I don't feel like it
24 affects my judgment, but I wanted to be transparent.

25 Q. I appreciate that.

1 A. You're welcome.

2 Q. Was his case in this court?

3 A. No, it was in Philadelphia.

4 Q. Okay. So safe to say you don't know anybody, any of the
5 lawyers or government --

6 A. No. No, ma'am.

7 Q. Okay. All right, and you said there's nothing about that
8 experience that would affect your ability to be fair and
9 impartial in this case?

10 A. No. No, not at all.

11 Q. Okay.

12 All right, and then you also answered yes to 26, which is
13 whether you read, write, or speak Spanish.

14 A. Minored in college. It's been a long time. I can
15 understand a little bit.

16 Q. Well, you just graduated. This is obvious --

17 A. Of course. I'm like -- yeah, a couple years ago, yep.

18 Q. All right. So Spanish minor. There will be
19 Spanish-speaking witnesses; however, there will be an English
20 translation.

21 A. Okay.

22 Q. Will you be able to put the Spanish out of your mind and
23 listen only to the English translation?

24 A. Absolutely. I mean, I just -- I don't speak Spanish. I
25 can understand it, but I would certainly focus on the

1 translator for accuracy, knowing how important that is.

2 Q. Okay.

3 Same with regard to transcripts that might go back. So
4 the transcripts of -- that have been done by official court
5 interpreters. Would you be able to look only at the English
6 and not try to translate yourself?

7 A. Absolutely.

8 Q. Okay.

9 THE COURT: All right, Government, any follow-up?

10 MR. MOOMAU: Yes, just a couple of questions.

11 BY MR. MOOMAU:

12 Q. And I hate to turn my back to you, but I have to talk into
13 the microphone.

14 THE COURT: Well, we're going to -- Ms. Grossi keeps
15 trying to give you a microphone that might make it -- let's
16 see.

17 MR. MOOMAU: There we go. All right.

18 THE COURT: Okay.

19 BY MR. MOOMAU:

20 Q. For the case involving your former husband, were you
21 married at the time?

22 A. I was.

23 Q. And as part of that case, did the law enforcement talk to
24 you?

25 A. No. They did not.

1 Q. Okay. All right, that's all I have.

2 A. I was not directly a part of it.

3 Q. No, I just didn't know if you were interviewed or
4 questioned. That was it. Thank you.

5 A. You're welcome. My pleasure.

6 THE COURT: Defense?

7 MR. DAVIS: No questions, Your Honor.

8 THE COURT: Okay.

9 All right. Thank you, ma'am. I appreciate your time.

10 JUROR NUMBER 38: Thank you.

11 THE COURT: Take care.

12 JUROR NUMBER 38: Thank y'all.

13 (Exit juror number 38.)

14 THE COURT: I'm sorry, which number was that?

15 THE COURTROOM DEPUTY: 38.

16 THE COURT: 38?

17 THE COURTROOM DEPUTY: Yes, Your Honor.

18 THE COURT: Before we get the next person in, close
19 the door for a second. Am I reading it right that the person's
20 name is Lawrence? I guess it could be a woman, but I just
21 wanted to make sure I was on the same -- that my 38 --

22 THE COURTROOM DEPUTY: Yes, Your Honor.

23 THE COURT: Okay. Do you see that, All? Can we just
24 confirm that the person's name is that, just out of an
25 abundance of caution?

1 THE COURTROOM DEPUTY: Yes, Your Honor.

2 THE COURT: All right, thanks.

3 THE COURTROOM DEPUTY: Do you want the next juror
4 now?

5 THE COURT: Let's just do this first to make sure we
6 don't have an issue.

7 (Brief pause.)

8 THE COURTROOM DEPUTY: Your Honor, I confirmed with
9 the juror myself that that is her name.

10 THE COURT: Okay, great. Perfect.

11 (Enter juror number 49.)

12 PROSPECTIVE JUROR NO. 49,
13 a prospective juror, having been first duly sworn to answer
14 questions, was examined as follows:

15 EXAMINATION

16 BY THE COURT:

17 Q. All right. Good morning, still. Juror 49, I wanted to
18 follow up with you on some of your yes answers. You checked
19 yes to number four, which is whether the dates and times of
20 this trial might pose some difficulty.

21 A. Yes.

22 Q. Can you tell us about that?

23 A. So currently I'm working for a non-profit organization
24 during the summer. So we're very understaffed. So it's very
25 difficult to keep up with that.

1 Q. And it's -- am I seeing it right, it's a summer camp?

2 A. Yes.

3 Q. So presumably you're there during work hours, like 9 to 5?

4 A. I'm there 24/7, actually.

5 Q. Oh, it's like a sleep-away camp?

6 A. Yes.

7 Q. Okay. All right, let me just follow up. You answered yes
8 to only one other question, which is whether you, a family
9 member, or close friend has been accused, convicted, or subject
10 of a criminal investigation?

11 A. Yes. I believe at some point in time in the past my dad
12 got convicted.

13 Q. Okay.

14 A. I'm not sure how long but --

15 Q. And no real details about that?

16 A. No.

17 Q. Okay.

18 THE COURT: All right. Government, any follow-up for
19 this witness?

20 MR. MOOMAU: No, Your Honor. Thank you.

21 THE COURT: Defense?

22 MR. DAVIS: No, Your Honor.

23 THE COURT: Okay. Thank you, sir. I appreciate your
24 time. Good luck with the kids.

25 (Exit juror number 49.)

1 MR. DAVIS: I make a motion.

2 THE COURT: Yeah, are you all right striking?

3 MR. MOOMAU: Yes.

4 THE COURT: He's in battle 24/7 in summer camp.

5 Thank you, but no. All right, 49 is stricken.

6 (Enter juror number 57.)

7 PROSPECTIVE JUROR NO. 57,

8 a prospective juror, having been first duly sworn to answer
9 questions, was examined as follows:

10 EXAMINATION

11 BY THE COURT:

12 Q. Good morning, juror 57.

13 A. Good morning, ma'am.

14 Q. I just want to follow up with you on some of your yes
15 answers.

16 A. Sure.

17 Q. You checked yes to both 11 and 13. 11 asks whether you, a
18 family member, or friend attended law school, received any
19 training in the law, worked with a lawyer, et cetera; and 13
20 asks whether you, a family member, or friend has been employed
21 by a firm involving criminal defense work.

22 A. Yes, ma'am.

23 Q. The things you were thinking about, are they responsive to
24 both?

25 A. Yes, ma'am.

1 Q. Okay. Tell us about that.

2 A. Sure. My mother-in-law was a legal secretary and a
3 paralegal for I think it was at the time two law firms. Within
4 the last two years she recently is deceased.

5 Q. Okay.

6 A. And that was basically it.

7 Q. And did your mom, mother-in-law, work for a criminal
8 defense firm? Did they do criminal law?

9 A. Yes, ma'am.

10 Q. Okay. Do you remember the name of the law firm?

11 A. Rome and Haas.

12 Q. I'm sorry?

13 A. Rome and Haas.

14 Q. Rome and Haas?

15 A. Yes.

16 Q. Okay. Where was that located?

17 A. Annapolis.

18 Q. Did your mother-in-law talk to you about the details of
19 her job?

20 A. No, ma'am.

21 Q. Is there anything about your mother-in-law's prior
22 employment that would affect your ability to be fair and
23 impartial in this case?

24 A. No, ma'am.

25 Q. Okay. All right, that is 11 and 13.

1 31 you checked yes to, which asked if you, a family
2 member, or close friend had ever been convicted of a crime,
3 accused of criminal conduct, or been the subject of a criminal
4 investigation.

5 A. Yes, ma'am.

6 Q. Can you tell us about that?

7 A. Sure. My brother was convicted of three DWIs, and so he
8 served time for that.

9 Q. Okay.

10 A. The only other question I have was the -- I guess my
11 wife's ex-husband was convicted of a double homicide.

12 Q. Okay.

13 A. This was before --

14 Q. Did you know him or her at the time?

15 A. So I did not know him at the time. This was while I was
16 in military service so.

17 Q. So is it many years ago?

18 A. Yes, ma'am.

19 Q. Is there anything about your wife's ex-husband's
20 experience that you know that would affect your ability to be
21 fair and impartial in this case?

22 A. No, ma'am.

23 Q. Okay. How about your brother's experience --

24 A. No, ma'am.

25 Q. -- with his DUI's?

1 A. No, ma'am.

2 Q. Anything that would affect your ability to be a fair juror
3 in this case?

4 A. No, ma'am.

5 Q. Okay. Anything else you were thinking of?

6 A. No, ma'am.

7 Q. Okay.

8 THE COURT: Let me turn to the government.

9 MR. MOOMAU: Yes, Your Honor.

10 BY MR. MOOMAU:

11 Q. Sir, you had mentioned your wife, but I didn't see any
12 information on the questionnaire about your wife's occupation.

13 A. Oh, so my wife is retired. She was previously a -- she
14 worked with healthcare, health insurance, but now she's
15 retired. She's been retired for the past three or four years
16 now, since we were taking care of my mother-in-law.

17 Q. All right. Thank you, sir.

18 THE COURT: Defense?

19 MR. MARTIN: Just briefly, Your Honor.

20 THE COURT: Yep.

21 BY MR. MARTIN:

22 Q. Did you say that you were in the service?

23 A. Yes, sir.

24 Q. And what was your special code?

25 A. I was a Gunner's Mate. I worked in the United States

1 Navy.

2 Q. Okay.

3 THE COURT: Did you say Gunner's Mate?

4 MR. MARTIN: Gunners Mate, yeah.

5 JUROR NUMBER 57: Gunner's Mate, yes, ma'am. I was a
6 weapons specialist. So I worked with heavy guns.

7 BY MR. MARTIN:

8 Q. Okay. And you never had an aside -- you know, you didn't
9 work in law enforcement or investigations or anything like
10 that?

11 A. No, sir. I actually got out of that because of the fact
12 with the military, I felt like I needed to get away from guns.

13 MR. MARTIN: Very good. I have nothing further.

14 Thank you.

15 THE COURT: All right. Thank you, sir.

16 (Exit juror number 57.)

17 THE COURT: All right. Are we ready for our next
18 juror?

19 (Enter juror number 64.)

20 PROSPECTIVE JUROR NO. 64,
21 a prospective juror, having been first duly sworn to answer
22 questions, was examined as follows:

23 EXAMINATION

24 BY THE COURT:

25 Q. Hi sir.

1 A. Hi.

2 Q. Juror number -- I can't see it. Are you 64?

3 A. 0064.

4 Q. All right. I want to follow up on your yes answer to
5 number ten, which you say you're presently a party in a case
6 pending in a court. Can you tell us a little bit about that?

7 A. Yes. My wife and I rented an apartment like five years
8 ago.

9 Q. Okay.

10 A. They didn't want to pay us back our deposit. So we went
11 to court in Upper Marlboro. The verdict was in our favor the
12 first time. They still didn't want to pay. Took him back. In
13 our favor the second time. Still didn't want to pay. Then he
14 sent a check with 50 bucks to us, which is way less than what
15 the judge ordered before.

16 Q. I see. So this was about your security deposit?

17 A. Yes.

18 Q. Landlord didn't give it back?

19 A. He just gave us 50 bucks no matter what the judge ordered
20 him to pay. So my wife and I are trying to take him back once
21 more.

22 Q. Okay. And the case is still going on?

23 A. Well, we didn't go back the third time, but we are
24 planning to because we need our money.

25 Q. All right. And where is that case? In D.C.?

1 A. Upper Marlboro.

2 Q. I'm sorry. Upper Marlboro?

3 A. Yes.

4 Q. Okay. And are you representing yourself?

5 A. Yeah, my wife and I are representing ourselves. We won
6 twice.

7 Q. All right. Now, this is a very different case.

8 A. Okay.

9 Q. Would anything about your experience in your
10 landlord/tenant case affect your ability to be a fair and
11 impartial juror in this case?

12 A. Oh, no. I'll be all right.

13 Q. Okay.

14 THE COURT: All right. Government, any follow-up for
15 juror 64?

16 MR. MOOMAU: No questions, Your Honor. Thank you.

17 THE COURT: Defense?

18 MR. DAVIS: No questions, Your Honor.

19 THE COURT: All right. Thank you, sir.

20 JUROR NUMBER 64: Okay, thanks.

21 THE COURT: I appreciate it.

22 (Exit juror number 64.)

23 (Enter juror number 67.)

24

25

1 PROSPECTIVE JUROR NO. 67,
2 a prospective juror, having been first duly sworn to answer
3 questions, was examined as follows:

4 EXAMINATION

5 BY THE COURT:

6 Q. Hi there. Jury 67?

7 A. Hello.

8 Q. Hello. I just wanted to follow up with you on some of
9 your yes answers. You checked yes to number four, which is
10 about whether the dates and times of this trial might pose a
11 problem.

12 A. Correct. So I understood the question as nine days was
13 allocated for the trial starting today.

14 Q. Yep.

15 A. No sessions on this -- two Fridays, this Friday coming up
16 and the one after.

17 Q. That's right. And no weekends.

18 A. And no weekends, right.

19 But if you guys do get through voir dire, which is this
20 process today or tomorrow, you guys will start trial on
21 Wednesday, and I have a -- my daughter is having a medical
22 procedure Thursday morning.

23 Q. Okay. So --

24 A. That's the only reason.

25 Q. Okay. So in any event, this Thursday you have to be with

1 your daughter for her procedure?

2 A. In the morning, yeah.

3 Q. In the morning?

4 A. Um-hum.

5 Q. When would you be available? Say we were able to just
6 start late on Thursday, when --

7 A. Afternoon, midday afternoon. We report first thing in the
8 morning.

9 Q. I'm sorry?

10 A. We report first thing in the morning. So I'm assuming by
11 midday or after.

12 Q. You would -- okay.

13 A. Yeah, I would be available.

14 Q. All right. Is that the only thing you were thinking
15 about?

16 A. For that question, yes.

17 Q. Okay. All right. And then you also answered yes to
18 number 18. Well, there's a question mark next to it. So let's
19 make sure. It says, "Would you tend to give greater or lesser
20 weight to the testimony of witnesses from the FBI, postal
21 service, police department, or other law enforcement agencies
22 simply because they work in law enforcement?"

23 A. Right. So, actually, it's a no. Now that you --

24 Q. It's a no?

25 A. Yeah. Now that you repeated the question, I understand

1 it, and it's a no.

2 Q. Okay. So just to be clear, because one instruction I
3 would give you is every witness is judged on the content of
4 their testimony and how they deliver it. You don't give any
5 presumption or any like special treatment because of where the
6 person comes from.

7 A. Correct.

8 Q. You would be able to follow my instruction?

9 A. Absolutely. Yeah, I put a question mark there because I
10 didn't really quite hear you, and we moved on to the next one,
11 and I didn't get a chance to follow up, and I knew you would
12 ask me here.

13 Q. Got it. Okay, very good. Thank you.

14 All right, and then you also answered yes to number 26,
15 which is whether you read, write, or speak Spanish.

16 A. I do. I speak Spanish.

17 Q. Okay. Are you fluent?

18 A. Speaking it, yes; reading and writing it, no.

19 Q. So one of the things that will definitely occur in this
20 trial is we'll have Spanish-speaking witnesses whose testimony
21 will be translated into English.

22 A. I would still need a translation.

23 Q. That's -- well, would you be able to follow my instruction
24 that you follow only the English translation? You don't try to
25 translate yourself.

1 A. Yeah, I would still need the translations because I'm
2 still not confident in my Spanish.

3 Q. Got it. Okay, very good. Okay, thank you.

4 And then you checked yes with a question mark to 32, which
5 is whether you, a family member, or close friend had ever been
6 the victim of a crime, witness to a crime, or witness for the
7 prosecution or defense.

8 A. Correct. So the question mark is there because I wasn't
9 sure how to answer. So I have been assaulted. And during the
10 process, the individual did a PBJ. So it didn't actually go to
11 trial. So I wasn't sure how to answer that.

12 Q. Okay. Well, so if you were the person assaulted --

13 A. Um-hum.

14 Q. -- I think you did right and answered yes because you
15 would be considered the victim, right?

16 A. Yes.

17 Q. Was there anything about that case, the way you were
18 treated, that would affect your ability to be fair in this
19 case?

20 A. No, not at all. No.

21 Q. Okay. All right, you also checked yes and then crossed it
22 out; so let's just make sure. 31, whether you, a family
23 member, or close friend had ever been convicted of a crime,
24 accused of criminal conduct.

25 A. Right. I misunderstood the question. So one of the

1 jurors -- excuse me. One of the other potential jurors asked
2 it, and so I got clarification.

3 Q. I see.

4 A. And that's why I tried to initial it to try to let you
5 know.

6 Q. All right, thank you.

7 Follow-up question for you about the procedure on
8 Thursday. Is it an elective procedure that could be moved or
9 is it something that can't --

10 A. It can't be moved. We've been actually on hold for almost
11 eight months for this procedure.

12 Q. Yep. I understand. Okay.

13 THE COURT: All right. Government, any follow-up?

14 MR. MOOMAU: Just one question.

15 BY MR. MOOMAU:

16 Q. The questionnaire doesn't list any information for your
17 spouse's employment.

18 A. I'm widowed. So I'm not --

19 Q. Oh, okay. I'm sorry.

20 A. No, that's okay.

21 MR. MOOMAU: That's it, Your Honor.

22 THE COURT: Defense?

23 MR. DAVIS: No questions, Your Honor.

24 THE COURT: Okay. Thank you. Thank you so much.

25 JUROR NUMBER 67: Sure. Thank you.

1 THE COURT: I appreciate your time.

2 (Exit juror number 67.)

3 THE COURT: I'm hesitant. I know you all are
4 thinking about whether to move for cause.

5 MR. MOOMAU: Yes.

6 THE COURT: I'm hesitant with an otherwise qualified
7 juror to say that in the event she's not peremptorily stricken
8 or, you know, that we can't accommodate her because of an
9 appointment on a single day, but I'll hear you all on it.

10 MR. MOOMAU: I mean, Your Honor --

11 THE COURT: We can reserve, too, and see where we
12 are.

13 MR. MOOMAU: We know how it is with doctors'
14 appointments, and a short appointment can go into a long
15 appointment. We didn't ask her where it was. I noted where
16 she lived at. I don't know if there is any way we can move her
17 down to the bottom or something.

18 THE COURT: That's what I was thinking is just put
19 her in reserve, put an asterisk, and if we're really hurting at
20 the end; but if we get to 35 or 36 -- 35 is for 15; 36 is for
21 16. And if we get there and we don't need her, I can strike
22 her. Does that work for both sides?

23 MR. DAVIS: That works for us.

24 THE COURT: Put her in reserve?

25 MR. DAVIS: We agree. She would be a good juror,

1 too.

2 THE COURT: She would, which is why I'll -- you know,
3 I'm happily -- I'll happily entertain whether you want to keep
4 her, and we just have to be efficient. We've got, you know,
5 we've got some wiggle -- so anyway, think about it. I'll put
6 her in reserve. I won't count her in yet.

7 (Enter juror number 72.)

8 PROSPECTIVE JUROR NO. 72,
9 a prospective juror, having been first duly sworn to answer
10 questions, was examined as follows:

11 EXAMINATION

12 BY THE COURT:

13 Q. All right. Good afternoon, juror number 72.

14 A. Good afternoon.

15 Q. I want to follow up with you on some of your yes answers.
16 You answered yes to number five, which is whether you're taking
17 any medication that might affect your ability to serve. You
18 also answered six, which is about whether you have any
19 impairments. Can you tell us about that?

20 A. Yes. I take a medication for cholesterol, which I take at
21 night, and one of the side effect is I don't sleep enough.
22 Usually I get like two hour's sleep.

23 Q. And does that -- do you work during the day?

24 A. Yes.

25 Q. Does that affect your ability to do your job?

1 A. Sometimes I get tired midday; so I have to take naps.

2 Q. During the day?

3 A. Yes.

4 Q. What's your job?

5 A. I'm an accountant.

6 Q. Okay. Do you work from your house or do you actually --

7 A. Yes, I work from home.

8 Q. Okay. So you're able to stop and take a rest and then go
9 back to your job?

10 A. Yes.

11 Q. All right. Yeah, if we were in court, we probably
12 couldn't take those kinds of breaks. You would get a morning
13 break and an afternoon break and a lunch break. Is your
14 concern that would not be enough for you to be able to pay
15 attention?

16 A. Yes. And sometimes I have to drink a lot of water and a
17 lot of coffee, too, so I can stay alert.

18 Q. Okay.

19 A. I'm the only one in the office that I do the accounting
20 work.

21 Q. I'm sorry. Can you speak up just a little bit?

22 A. Yes. That I do drink a lot of water and coffee during the
23 day so I can stay alert.

24 Q. Okay. All right, is there anything else about your health
25 that you're concerned about?

1 A. I usually get some panic attacks sometimes and some
2 anxiety when -- it depends on the day or -- you know, I just
3 get anxious.

4 Q. I'm sorry. The last part?

5 A. I get anxious.

6 Q. Anxious? Is there something in particular that is a
7 trigger for you, like being inside or being around --

8 A. It can be anything.

9 Q. It could be anything?

10 A. Yeah.

11 Q. How often does that happen?

12 A. Sometimes maybe twice a week.

13 Q. Okay.

14 THE COURT: All right. Counsel, any follow-up on
15 those issues?

16 MR. MOOMAU: Nothing for the government, Your Honor.
17 Thank you.

18 MR. DAVIS: Nothing, Your Honor.

19 THE COURT: All right.

20 Ma'am, if you wouldn't mind just stepping outside for a
21 second, that would be great.

22 (Exit juror number 72.)

23 THE COURT: I wanted to ask you all if you wanted to
24 go further with a witness who says that insomnia makes it
25 impossible to pay attention.

1 MR. DAVIS: I mean, I really hate to let her go
2 because she's one of the few Hispanics that have been showing
3 up in the jury --

4 THE COURT: I'm happy to continue. I just wanted to
5 check in with you all.

6 MR. DAVIS: I mean, I'm wondering if there are other
7 factors going on here for her not wanting to sit. I mean, I'm
8 not --

9 THE COURT: Sure. Do you want me to continue? I
10 sure can.

11 MR. DAVIS: No. Court's indulgence. Let me consult
12 with my co-counsel.

13 THE COURT: Sure.

14 (Brief pause.)

15 MR. DAVIS: We have no objection to letting her go,
16 Your Honor.

17 THE COURT: Government?

18 MR. MOOMAU: The government feels the same, Your
19 Honor. If someone needs to move, the government would move
20 just based on her medical issues.

21 THE COURT: Okay. All right, then we will strike 72
22 and move on to 78.

23 THE COURTROOM DEPUTY: And Counsel, the jury -- or,
24 Your Honor, the jury department wants to know what the Court's
25 lunch plans are.

1 THE COURT: We'll stop at 1:00 for -- I want to make
2 it brief because I really want us to get through this. So a
3 half hour.

4 THE COURTROOM DEPUTY: Yes, Your Honor.

5 (Enter juror number 78.)

6 PROSPECTIVE JUROR NO. 78,
7 a prospective juror, having been first duly sworn to answer
8 questions, was examined as follows:

9 EXAMINATION

10 BY THE COURT:

11 Q. Hi there. Juror 78?

12 A. Yes.

13 Q. I want to follow up with you on your yes answers. You
14 checked yes to reading, writing, and speaking Spanish.

15 A. Yes.

16 Q. Can you tell us a little bit about that?

17 A. I grew up in Guatemala, and I lived there for 15 years and
18 I came here.

19 Q. Okay. You also sound like you speak and read and write
20 English very well. Is that fair?

21 A. Yes.

22 Q. Okay. Now, in this case, there will be Spanish speaking
23 witnesses, but we will have an English translator, and that
24 person is certified to translate in English. If you were a
25 juror, would you be able to listen only to the English, put the

1 Spanish out of your mind, and not translate it yourself?

2 A. Yes.

3 Q. Okay. Same with the written word. There may be
4 transcripts that are translated into English, and the
5 instruction will be you follow only the written English word.
6 Would you be able to do that?

7 A. Yes.

8 Q. Okay.

9 And then you also checked yes to number 31, which is
10 whether you, a family member, or close friend had ever been
11 convicted of a crime, accused of a crime, or the subject of an
12 investigation.

13 A. Yes.

14 Q. Can you tell us about that?

15 A. Yes. My ex-boyfriend was -- he was charged for rape of a
16 minor, but that was five years ago, I believe.

17 Q. Okay. Were you together at the time?

18 A. No.

19 Q. Did you have any involvement in that case?

20 A. No.

21 Q. Anything about that experience of your ex-boyfriend that
22 would affect your ability to be fair and impartial in this
23 case?

24 A. No.

25 Q. Okay.

1 THE COURT: All right. Government, any follow-up?

2 MR. MOOMAU: No questions, Your Honor. Thank you.

3 THE COURT: Defense?

4 MR. DAVIS: No questions, Your Honor.

5 THE COURT: All right. Thank you so much.

6 JUROR NUMBER 78: Thank you.

7 (Exit juror number 78.)

8 (Enter juror number 85.)

9 PROSPECTIVE JUROR NO. 85,
10 a prospective juror, having been first duly sworn to answer
11 questions, was examined as follows:

12 EXAMINATION

13 BY THE COURT:

14 Q. Good afternoon, juror 85.

15 A. Good afternoon, Your Honor.

16 Q. I just wanted to follow up with you about one of your yes
17 answers about whether you, a family member, or friend has any
18 training in the law.

19 A. Well, I was a legal technician with the Department of
20 Labor, and also, with the U.S. Department of Education, a
21 paralegal specialist.

22 Q. A paralegal specialist?

23 A. Yes.

24 Q. For both departments?

25 A. For the Department of Labor is the paralegal.

1 Q. Okay. Are you still employed with either of them now?

2 A. No, I'm retired.

3 Q. Congratulations!

4 A. Thank you.

5 Q. Is there anything about your past employment that would
6 affect your ability to be a fair and impartial juror in this
7 case?

8 A. No, not that I know of. I have 42 years at the U.S.
9 Department of Education and Labor.

10 Q. No involvement in any criminal law; is that correct?

11 A. No. No criminal.

12 Q. Any court experience where you guys would go to court?

13 A. No. In the Office of Administrative Law Judges we would
14 work on workmen's comp cases.

15 Q. Okay.

16 A. Longshore and Black Lung.

17 Q. All right. Okay, good work but not relevant here.

18 THE COURT: Government? Any follow-up, Government?

19 MR. MOOMAU: No questions, Your Honor. Thank you.

20 MR. DAVIS: No questions, Your Honor.

21 THE COURT: All right. Thank you so much.

22 JUROR NUMBER 85: Thank you.

23 (Exit juror number 85.)

24 (Enter juror number 87.)

25

1 PROSPECTIVE JUROR NO. 87,
2 a prospective juror, having been first duly sworn to answer
3 questions, was examined as follows:

4 EXAMINATION

5 BY THE COURT:

6 Q. Hi, juror 87.

7 A. Yeah.

8 Q. How are you?

9 A. Good. How are you?

10 Q. Good. I'm going to ask the lawyers if they have any
11 follow-up questions for you, starting with the government.

12 MR. MOOMAU: Based on the questionnaire, Your Honor,
13 no questions.

14 THE COURT: Okay. Defense?

15 MR. DAVIS: No questions.

16 THE COURT: All right.

17 BY THE COURT:

18 Q. Let me ask you, Mr. -- well, juror 87, sorry. How long
19 have you been a technical account manager with Design Data?

20 A. Just about a year.

21 Q. And has that been -- before that was this your line of
22 work?

23 A. Yes.

24 Q. Okay. So you've been employed in this -- are you -- did
25 you go to high school? College? Tell me a little bit about

1 your education.

2 A. Oh, yeah. I went to high school in West Virginia and
3 college at West Virginia University.

4 Q. Okay. And, yeah, good football team back in the day. I
5 don't know what you think about them now but, or if you care.

6 A. I can only hope.

7 Q. All right. Thank you so much, juror 87. I appreciate it.

8 A. Yep. Thank you.

9 (Exit juror number 87.)

10 (Enter juror number 88.)

11 PROSPECTIVE JUROR NO. 88,

12 a prospective juror, having been first duly sworn to answer
13 questions, was examined as follows:

14 EXAMINATION

15 BY THE COURT:

16 Q. Hi there.

17 A. Hello.

18 Q. Jury 88?

19 A. That's correct.

20 Q. All right. I want to follow up with you on one of your
21 yes answers. You checked yes to number four, which is whether
22 the dates and times of this trial might pose a problem.

23 A. Yeah, I was wondering if I could get an excuse for a
24 religious obligation that I have this Wednesday.

25 Q. Okay. Can you tell us a little bit about when, how, like

1 what are the logistics of it?

2 A. Yeah, it's a Hindu ritual. You know, I think it's to
3 celebrate the full moon. And also, it's my daughter's 16th
4 birthday. So it's sort of like a combination celebration of
5 the two.

6 Q. So your current plans were to start when and end when? In
7 other words, like, what we're trying to figure out is if you're
8 selected, is there a way we could ask you to accommodate us a
9 little bit and us accommodate you. Like, if it's at the end of
10 the day or something like that. So just wanted to get a little
11 more detail on that.

12 A. Yeah, so how long is the -- I'm sorry. The service,
13 again, I think you said it was Monday through Friday, 9 to 5?

14 Q. Customarily, it's 9:30 to 5:00. But if we had to, for
15 example, if you were chosen and we had to break a little early,
16 that could be accommodated. Maybe we would -- I've done this
17 before.

18 A. Sure.

19 Q. Counsel is like, what is she about to say?

20 We may cut lunch short and give an additional break and
21 then get you out earlier.

22 A. Yeah, that would work. That would work. Just because the
23 conflict is just on this Wednesday.

24 Q. It's just Wednesday?

25 A. Just Wednesday, right, yeah, for this week.

1 Q. Okay.

2 A. Right. So, yeah, if you could accommodate, if I could
3 leave a little early, that could be possible.

4 Q. Okay. So in a perfect world, if we were out by 4:00,
5 4:30, that would work for you? Or were you thinking --

6 A. Yeah, I mean, 4:00, 4:30 is fine. I think earlier would
7 be even better, like 3:00, 3:30; but, you know, I'm sure I
8 could try to accommodate you.

9 Q. Okay.

10 THE COURT: All right. Government, any follow-up for
11 this juror?

12 MR. MOOMAU: No questions, Your Honor. Thank you.

13 THE COURT: Defense?

14 MR. DAVIS: No questions.

15 THE COURT: All right. Thank you, sir.

16 JUROR NUMBER 88: Okay, thank you.

17 (Exit juror number 88.)

18 THE COURT: All right. Counsel, any issues with 88?

19 MR. MOOMAU: No, Your Honor.

20 THE COURT: Okay.

21 MR. MOOMAU: I don't think he's one -- I mean, the
22 conflict doesn't seem that great that we would need to move him
23 like the other.

24 THE COURT: I agree with you. And if we get to it
25 and he's in, we can start a half hour early and, you know, we

1 could shave off time and figure it out.

2 MR. MOOMAU: Yes.

3 THE COURT: Okay.

4 THE COURTROOM DEPUTY: Your Honor, we went through
5 that last bit a little bit quick; so the other jurors are on
6 their way up now.

7 THE COURT: Okay.

8 THE COURTROOM DEPUTY: Just for the record, that gets
9 us to 12 good jurors I believe.

10 THE COURT: Yes. I have 12 and that is excluding 67
11 right now.

12 THE COURTROOM DEPUTY: Correct.

13 THE COURT: Yes.

14 (Enter juror number 89.)

15 PROSPECTIVE JUROR NO. 89,
16 a prospective juror, having been first duly sworn to answer
17 questions, was examined as follows:

18 EXAMINATION

19 BY THE COURT:

20 Q. Hello, sir.

21 A. Hello.

22 Q. Juror 89?

23 A. Yes.

24 Q. Okay. I wanted to follow up with you on some of your yes
25 answers. You checked yes to number nine, which is whether you

1 have ever served as a juror on a grand jury or in any criminal
2 trial.

3 A. Yes.

4 Q. Can you tell us about that?

5 A. It was probably about -- it was over 30 years ago. I was
6 a juror for a court. I can't even remember what it was but --

7 Q. Do you remember anything about the case?

8 A. I think it was a robbery.

9 Q. Okay. Do you remember what -- did you go all the way to
10 the verdict?

11 A. Yes.

12 Q. Do you remember what that was?

13 A. The verdict was not guilty.

14 Q. Okay. Anything about that experience that would affect
15 your ability to be a fair and impartial juror in this case?

16 A. No.

17 Q. Okay.

18 All right. You also answered yes to number 11, which is
19 whether you, a family member, or friend have any training in
20 the law.

21 A. Yes.

22 Q. Okay. Tell us about that.

23 A. My wife is a paralegal, and my son just graduated from
24 college with criminal justice.

25 Q. Okay. Congratulations.

1 A. Thank you.

2 Q. Does he talk to you about his major, what he's learning?

3 A. Sometimes.

4 Q. Okay. Well, then you're ahead of the game because I know
5 mine won't talk to me about school.

6 Is there anything about what your son has shared with you
7 that would affect your ability to be fair in this case?

8 A. No. I mean, the things he's told me made me an open mind,
9 clear person.

10 Q. Okay. And that is one of the instructions that you would
11 get if you were a juror, to keep an open mind and consider the
12 evidence only in this case and apply the law.

13 A. Right.

14 Q. So it sounds like he's telling you the same thing.

15 A. Yes, he has.

16 Q. All right.

17 How about your wife's job as a paralegal? In what field
18 has she worked?

19 A. Well, she went to school for a paralegal. She never
20 worked in a law office or anything.

21 Q. She has not?

22 A. No.

23 Q. Okay.

24 A. But she has a paralegal background.

25 Q. Does she ever talk to you about that? Does it come up?

1 A. No.

2 Q. All right. Anything else you were thinking of when you
3 answered yes to number 11?

4 A. No.

5 Q. All right. You also checked yes to 22, which is whether
6 you have any views about violent crime or the government's
7 enforcement of the criminal law and whether it would affect
8 your ability to be fair and impartial.

9 A. No, I wouldn't.

10 Q. Okay. So do you have any views that caused you to check
11 yes for that question?

12 A. What was the question again?

13 Q. Sure. So do you have views about violent crime or the
14 government's enforcement of criminal law that would affect your
15 ability to be fair as a juror in this case?

16 A. No, it wouldn't affect my ability to be fair about it,
17 but, I mean, my views are that the law isn't above the law. I
18 mean, I've always, you know, said that.

19 Q. And that -- so what I take that to mean is that law
20 enforcement, they are people, too --

21 A. Correct.

22 Q. -- and they must be judged based on --

23 A. Be accountable for what they do.

24 Q. Okay. So one of the instructions that I will give you is
25 that all witnesses stand equal before a court of law, meaning

1 you don't give any less or more consideration to law
2 enforcement simply because they are law enforcement.

3 A. No, I don't.

4 Q. You would be able to follow my instruction?

5 A. Yes, I would.

6 Q. Okay.

7 All right, and then you also answered yes to 32, which is
8 whether you, a family member, or close friend had ever been the
9 victim of a crime, witness to a crime, or witness in a criminal
10 case.

11 A. Yes. Again, this was a long time ago. I was in a bank
12 when it got held up.

13 Q. And did you have to testify in a trial?

14 A. Yes, yes.

15 Q. Okay. Do you remember what court that was in?

16 A. That's been probably about 40 years ago.

17 Q. So safe to say nobody in this room was part of the
18 prosecution or the defense?

19 A. No.

20 Q. Okay. All right. Anything about that experience would
21 affect your ability to be a fair juror in this case?

22 A. No.

23 Q. Okay.

24 THE COURT: Government, any follow-up for this
25 witness?

1 MR. MOOMAU: No, Your Honor. Thank you.

2 THE COURT: Defense?

3 MR. DAVIS: No, Your Honor. Thank you.

4 THE COURT: All right. Thank you, sir. I appreciate
5 your time.

6 JUROR NUMBER 89: All right, you're welcome.

7 (Exit juror number 89.)

8 (Enter juror number 96.)

9 PROSPECTIVE JUROR NO. 96,
10 a prospective juror, having been first duly sworn to answer
11 questions, was examined as follows:

12 EXAMINATION

13 BY THE COURT:

14 Q. Hi, sir. Number 96?

15 A. Yes, 96.

16 Q. All right. I want to follow up with you on some of your
17 yes answers. You answered yes to number ten, which is whether
18 you're currently a party in a case pending in this court or any
19 other court.

20 A. I don't think I answered yes to that.

21 Q. Oh, my bad. You're right. I need to follow my own
22 numbers here.

23 Okay, 11. You did answer yes to 11, which is whether you
24 or a family member, or friend have any legal education or
25 training.

1 A. Yeah, I'm a retired patent lawyer, and my wife is a lawyer
2 as well.

3 Q. What kind of law does your wife practice?

4 A. She's a trademark attorney at the Trademark Office.

5 Q. Okay, so say to say neither of you have ever done any
6 criminal law?

7 A. No criminal. She actually was a clerk at the D.C. Court
8 of Appeals a long time ago.

9 Q. Okay. All right, and have you ever been involved in any
10 trials?

11 A. No.

12 Q. Okay. So is there anything then about your background and
13 experience or your wife's that would affect your ability to be
14 a fair and impartial juror in this case?

15 A. No.

16 Q. Okay. You also answered yes to 12, which is whether you
17 or a family member have been employed or sought employment by
18 -- many government agencies were listed, the Court, the
19 Department of Justice, FBI, et cetera.

20 A. Yeah, I thought that her clerkship would make that a yes
21 answer.

22 Q. Got it. Were you thinking of anything else when you
23 answered yes?

24 A. No.

25 Q. Okay. And then 13, whether you, a family member, or close

1 friend ever been employed by a firm involved in criminal
2 defense work.

3 A. We both worked for firms that did white collar crime.
4 Neither of us actually did any of that.

5 Q. Okay. So anything about that experience that would affect
6 your ability to be a fair juror?

7 A. No.

8 Q. Okay.

9 Okay, and you also answered yes to number 20, which is
10 whether you have any views about cooperating witnesses that may
11 give testimony in exchange for possibly a lighter sentence. Do
12 you have any views about that that would affect your ability to
13 be a fair juror in this case?

14 A. I believe they would be more prone to lie than the
15 populous as a whole. So I would tend to discount or weigh
16 their testimony less than I would weigh someone else's. I
17 don't know how that would play here.

18 Q. Well, so, one of the things I would do generally is give
19 you jury instructions, and those instructions deal with how to
20 weigh the credibility of the witnesses, and they tell you, you
21 know, as he talked about, everybody stands equally before the
22 Court, and that you are the sole judge of the person's
23 credibility.

24 Similarly, you're permitted to take a person's cooperation
25 into account but you need not. It's your call based on how the

1 witness testifies, what they testify to, and what you hear in
2 this courtroom. In that regard, would you be able to follow my
3 instructions?

4 A. Yes.

5 Q. Okay. And so any notions that you have coming in, would
6 you be able to leave them at the door and decide this case
7 based on the evidence you hear and the instructions I give you?

8 A. Yes.

9 Q. Okay. All right, I think that's it.

10 THE COURT: Let me turn to the government.

11 MR. MOOMAU: No questions, Your Honor. Thank you.

12 MR. DAVIS: No questions, Your Honor.

13 THE COURT: All right. Thank you, sir.

14 (Exit juror number 96.)

15 (Enter juror number 104.)

16 PROSPECTIVE JUROR NO. 104,

17 a prospective juror, having been first duly sworn to answer
18 questions, was examined as follows:

19 EXAMINATION

20 BY THE COURT:

21 Q. Good afternoon, juror number 104.

22 A. Good afternoon.

23 Q. I want to follow up with you on some of your yes answers.
24 You checked yes to number nine, which is whether you've ever
25 served as a juror in a grand jury or a criminal trial. Can you

1 tell us about that?

2 A. Criminal trial.

3 Q. Okay. Tell us some details if you remember.

4 A. Well, actually, it was a jury -- it was a while back. It
5 was -- I don't even think it was a criminal trial. It was --
6 the young man was demanding a company -- he was wrongfully
7 terminated.

8 Q. I see. So it was a civil trial.

9 A. Yes.

10 Q. Do you remember what courthouse it was in?

11 A. Washington, D.C. I'm not quite sure where.

12 Q. All right. How long ago was this?

13 A. It was a few years. I would say about ten.

14 Q. Ten?

15 A. Ten, fifteen years.

16 Q. Okay. Did the case go all the way to the end where you
17 decided --

18 A. Yes, ma'am.

19 Q. -- either for the plaintiff --

20 A. Yes, ma'am.

21 Q. -- the person bringing the case, or the defense?

22 A. Yes.

23 Q. What did you end up deciding?

24 A. The outcome? We went for the company.

25 Q. The company, okay.

1 A. Um-hum.

2 Q. Was there anything about your experience as a juror in
3 that case that would affect your ability to be fair and
4 impartial as a juror in this case?

5 A. None whatsoever.

6 Q. All right. You also checked yes to number 26.

7 A. Yes.

8 Q. Which is whether you read, write, and speak Spanish.

9 A. I do.

10 Q. Okay. Can you tell us a little bit about your proficiency
11 or your -- how well?

12 A. I read, I write, and understand Spanish quite fluently.

13 Q. Okay.

14 A. So I came here when I was -- I came to this country when I
15 was 12 years old.

16 Q. Okay.

17 A. So all of my education here has been in the United States
18 pretty much.

19 Q. So first language was Spanish?

20 A. Um-hum.

21 Q. And then you learned English?

22 A. That's correct.

23 Q. Do you consider yourself fluent in English?

24 A. Yes, I do.

25 Q. Okay. So we will have Spanish-speaking witnesses;

1 however, the testimony will be translated by an official court
2 interpreter into English, and I'll instruct you to only
3 consider the English testimony. Would you be able to not
4 translate the Spanish on your own and listen only to the
5 English, take that as the official testimony?

6 A. Yes, ma'am.

7 Q. Same question with respect to the written word. If there
8 is any transcription, my instruction will be follow the
9 official English transcript. Do not translate on your own.
10 Would you be able to do that?

11 A. Yes, ma'am.

12 Q. Okay.

13 All right, and then you also answered yes to 31, which is
14 whether you, a family, or close friend had ever been convicted
15 of a crime, accused of criminal conduct, or been the subject of
16 a criminal investigation.

17 A. A friend -- well, actually, a family of mine. My son was
18 convicted. He's actually doing time right now in Ocean City.

19 Q. Okay. In Ocean City?

20 A. He's in a correctional institute.

21 Q. Can you tell us, was it a state case?

22 A. Yes, it was. Well, it was a criminal pretty much, second
23 degree rape.

24 Q. Okay. All right. That must have been personally very
25 hard for you.

1 A. Extremely.

2 Q. All right. Were you involved? Not in the -- were you
3 involved with your son in his experience in his case?

4 A. He was living outside of my home. Actually, I'm still
5 stuck with the bill. That's about it.

6 Q. That's what kids do for you, right.

7 So did you ever have to testify as a witness?

8 A. No, ma'am.

9 Q. Did you go to court for any of the proceedings?

10 A. Actually, we pleaded -- you know, he pleaded, and so never
11 had to go to court or nothing like that.

12 Q. Okay. Do you have any views or feelings about the way he
13 was treated that might affect your ability to be fair in this
14 case?

15 A. No. I mean, we never went to court or nothing that would
16 make me think that -- would cloud my judgment.

17 Q. Okay. And tell me again how long ago was this?

18 A. 2016.

19 Q. 2016.

20 THE COURT: All right. Counsel, any follow-up for
21 this juror?

22 BY MR. MOOMAU:

23 Q. Sir, is there anything about that, the case that was
24 involving your son, anything at all that might make you believe
25 that you can't be fair in this case to both the prosecution and

1 the defense?

2 A. No, nothing.

3 Q. Thank you, sir.

4 A. You're welcome.

5 MR. DAVIS: No questions, Your Honor.

6 THE COURT: Okay. Thank you, sir. I appreciate your
7 time.

8 JUROR NUMBER 104: Thank you.

9 (Exit juror number 104.)

10 THE COURT: Counsel, 88 has conveyed to jury that he
11 now would like to be released by noon on that day. I'm not
12 moved. If he's selected, then, you know, we might give him a
13 little bit of breathing room, but I didn't hear anything from
14 him directly that he cannot both serve and accommodate his
15 family commitments. So I'm not interested in bringing him back
16 up and revisiting this. Does anybody disagree with that?

17 MR. MOOMAU: No, Your Honor.

18 THE COURT: All right.

19 MR. DAVIS: No, Your Honor; although, I would be
20 interested in whether it was for religious reasons or for his
21 daughter's birthday. Again, if it's for religious reasons, it
22 may be an issue.

23 THE COURT: It may but, frankly, he had the
24 opportunity to tell us, and it didn't rise to the level of such
25 concern that when I asked him specifically, you know, would

1 four be okay, it was then, well, maybe three would be better
2 but I'm good. You know, so I didn't see any need to -- he
3 didn't give me any grounds to say I am somehow infringing on
4 his religious freedom if I try to accommodate him an hour or
5 so.

6 Why don't we see where we are --

7 MR. DAVIS: That's fine.

8 THE COURT: -- in the process.

9 MR. DAVIS: That's acceptable.

10 THE COURT: Okay, great.

11 MR. DAVIS: I don't know what that holiday is. I
12 have no idea what it is. I don't know if it's like a happy
13 holiday or --

14 THE COURT: I don't know either. He also didn't
15 volunteer it. So I didn't have any real -- I'm assuming, I'm
16 taking him at face value, that it is a religious holiday; but I
17 also accepted his testimony that he could accommodate both in
18 the way we discussed so.

19 All right. Ready for the next juror?

20 (Enter juror number 110.)

21 PROSPECTIVE JUROR NO. 110,
22 a prospective juror, having been first duly sworn to answer
23 questions, was examined as follows:

24 EXAMINATION

25 BY THE COURT:

1 Q. Good afternoon. Juror 110?

2 A. Yes, ma'am.

3 Q. All right. I'm going to ask the lawyers if they have any
4 follow-up questions for you.

5 A. Okay.

6 THE COURT: Government?

7 MR. MOOMAU: Just a minute, Your Honor, please.

8 THE COURT: Sure.

9 (Brief pause.)

10 BY MR. MOOMAU:

11 Q. Ma'am, your employment, specifically, what is it? It says
12 here on the questionnaire healthcare.

13 A. I'm a medical coder for a hospital in Arizona.

14 Q. Okay. And you're able to do that --

15 A. Typically I do it from home, yes.

16 Q. All right.

17 And there was one question where you checked yes and then
18 you went to no.

19 A. Yes.

20 Q. It was --

21 A. It was about if anybody had worked for -- immediate
22 family.

23 Q. Right.

24 A. My mother formerly worked for an attorney group in
25 Pennsylvania close to 30 years ago.

1 Q. All right. Okay.

2 MR. MOOMAU: All right. Thanks all, Your Honor.
3 Thank you.

4 THE COURT: Defense?

5 MR. DAVIS: Nothing, Your Honor.

6 THE COURT: All right. Thank you so much. I
7 appreciate it.

8 JUROR NUMBER 110: Thank you.

9 (Exit juror number 110.)

10 (Enter juror number 125.)

11 PROSPECTIVE JUROR NO. 125,
12 a prospective juror, having been first duly sworn to answer
13 questions, was examined as follows:

14 EXAMINATION

15 BY THE COURT:

16 Q. Hi there. Juror 125?

17 A. Yes.

18 Q. I want to follow up with you on some of your yes answers.
19 You checked yes to number four, which is whether the dates and
20 the times of this trial might pose a problem for you.

21 A. To be honest, I found the question a little confusing.

22 Q. Okay. Sorry about that.

23 A. So I thought I would just be very straightforward.

24 Q. All right, well, why don't I lay it out for you.

25 A. Okay. So our family is scattered across the country.

1 Q. Okay.

2 A. We were hoping to go on vacation starting around
3 July 24th, and I couldn't work out from your instructions if
4 the trial would be over by then.

5 Q. Okay.

6 A. While the holidays is important to us, so is the civic
7 duty of being a juror.

8 Q. Well, thank you. I very much appreciate that.

9 Do you have plane reservations, or is this something
10 that's a little wiggly?

11 A. We held off doing the plane reservations until we had this
12 conversation.

13 Q. Okay. All right, well, then you really are taking your
14 civic duty very seriously, and we really do appreciate that.

15 So we are scheduled -- let me just tell you where we are.
16 We're scheduled to go this week, Monday through Thursday.

17 A. Right.

18 Q. Next week, Monday through Thursday.

19 A. Okay.

20 Q. I don't anticipate --

21 THE COURT: Counsel, you correct me if I'm wrong --
22 that we're going to go in testimony into the next week. Right?
23 Am I right about that?

24 MR. MOOMAU: Yes, Your Honor. That's correct.

25 THE COURT: But we might have deliberations that go

1 into -- bleed into the next week, and we would start those
2 deliberations the Monday, the 25th.

3 BY THE COURT:

4 Q. But is your vacation going to be for, I would imagine,
5 longer than a weekend?

6 A. We would hope so.

7 Q. And is it flexible in terms of --

8 A. It could be flexible certainly if needed to be.

9 Q. Okay. Because sometimes the case -- you know, it
10 sometimes goes in faster; sometimes not. So it's a little bit
11 hard to pin down. I'll tell you for sure we're not sitting on
12 the 15th. We're not sitting on the 22nd. And I will and the
13 lawyers will be very mindful of the jury's time.

14 A. Thank you.

15 Q. With that, would you extend my thanks to your family and
16 hopefully be able to accommodate us if you're selected?

17 A. Yes.

18 Q. Okay.

19 All right, and then you also answered yes to 26, which is
20 whether you read, write, or speak Spanish.

21 A. I read Spanish very badly.

22 Q. All right. So one of my instructions will be there will
23 be Spanish-speaking witnesses. We will have an official court
24 translator, both for the written and the spoken word, and my
25 instruction will be to follow the English translation. You'll

1 be able to do that?

2 A. Yes, understood.

3 Q. Okay.

4 And then you checked yes to number 32, which is whether
5 you, a family member, or close friend had ever been the victim
6 of a crime, witness to a crime, or a witness for the
7 prosecution or defense in a criminal trial.

8 A. Yeah, our house got broken into like 25 years ago,
9 30 years ago, and, like, somebody took a VCR. That sort of
10 thing.

11 Q. Okay. Anything ever happen with that case? Anybody
12 prosecuted?

13 A. We lived in England at the time. Eventually someone was
14 arrested and confessed to that and 60 other break-ins. So
15 we're not really sure about what was going on there, but it was
16 a long, long time ago.

17 Q. Okay. Is there anything about that experience that would
18 affect your ability to be fair in this case?

19 A. No, nothing at all.

20 Q. Okay.

21 THE COURT: All right, Government, any follow-up?

22 MR. MOOMAU: Yes, Your Honor.

23 BY MR. MOOMAU:

24 Q. Just one question, sir. According to the information,
25 you're a professor?

1 A. Yes.

2 Q. And just wondering what type of courses you teach.

3 A. I teach courses on introduction to health behavior in
4 human society and the economics of food and malnutrition.

5 Q. All right.

6 THE COURT: What was the last part? Economics --

7 JUROR NUMBER 125: Of food and malnutrition.

8 THE COURT: Oh, okay.

9 MR. MOOMAU: Thank you very much.

10 THE COURT: Defense, anything?

11 MR. DAVIS: I think it's just more out of curiosity
12 as opposed to juror qualification --

13 THE COURT: Can you move your microphone closer,
14 Mr. Davis?

15 BY MR. DAVIS:

16 Q. I how do you teach at Cornell and live down here? Just
17 out of curiosity, do you travel back and forth?

18 A. It is a long commute.

19 Q. Yes. I've made that trip before.

20 A. To be precise, my classroom teaching is all done in one
21 semester. I was hired primarily to be a researcher. So my
22 classroom teaching is done within a condensed period of time,
23 and the rest of the year ordinarily I meet with my graduate
24 students remotely, and I also do some international traveling.

25 Q. Great. Thank you.

1 THE COURT: Great. Thank you so much. I really
2 appreciate it.

3 JUROR NUMBER 125: Thank you.

4 (Exit juror number 125.)

5 THE COURTROOM DEPUTY: Your Honor, we have another
6 five jurors out there. Is the Jury Department able to let the
7 rest out for lunch a little earlier?

8 THE COURT: Sure. Yes, I can't imagine we're going
9 to get through five in ten minutes.

10 THE COURTROOM DEPUTY: It's only four.

11 THE COURT: Four? Oh, right. Yes.

12 If we can, Counsel, I think it would be great if we could
13 get through these four and then take our break.

14 (Enter juror number 126.)

15 PROSPECTIVE JUROR NO. 126,
16 a prospective juror, having been first duly sworn to answer
17 questions, was examined as follows:

18 EXAMINATION

19 BY THE COURT:

20 Q. Okay. Juror number 126.

21 A. Good afternoon.

22 Q. Good afternoon. I just want to follow up with you on some
23 of your yes answers. You circled number four and wrote down
24 that you have travel for work. You're a federal employee?

25 A. That's correct.

1 Q. Can you tell us about that?

2 A. So I'm traveling to New York to meet a travel order of
3 Comanche Nation. I'm working on the repatriation of some human
4 remains back to Comanche Nation, and I've been, unfortunately,
5 working on this for about eight or nine months.

6 Q. Okay. And this is pre-scheduled travel and meeting?

7 A. Yes.

8 Q. And when is it to occur?

9 A. I leave on Wednesday and come back on Friday.

10 Q. Of this week?

11 A. Of this week.

12 Q. Okay. Any chance -- and I know this is a big ask -- if
13 you were selected, could you reschedule that?

14 A. I couldn't reschedule it. I would have to just cancel the
15 visit, and I may be able to find somebody else to step in my
16 place.

17 Q. Okay. Have you made any calls to see if there is someone
18 who could?

19 A. I sent a few emails this morning.

20 Q. All right.

21 A. I haven't had any return emails yet.

22 Q. Okay.

23 All right, let's talk about some of your other yes
24 answers. It says that you checked yes to 11, and it says
25 spouse is an attorney.

1 A. That's correct.

2 Q. Okay. Tell us about what your spouse does.

3 A. She practices in family law. She's primarily out of
4 Howard County, but she does roughly five counties worth of
5 work; anything from protective orders to child custody, divorce
6 and modifications, anything in the family law realm.

7 Q. Okay. All right, does she talk to you about her work,
8 like the details?

9 A. Not people but I know the events.

10 Q. Okay. All right, anything about what your wife shares
11 with you that would affect your ability to be a fair and
12 impartial juror in this case?

13 A. I don't think so.

14 Q. Okay.

15 All right, you also checked yes to number 13, which is
16 whether you, a family member, or friend had been employed with
17 a firm or an organization that does criminal defense work.
18 Were you thinking of your wife or someone else?

19 A. Yes, my wife, yeah.

20 Q. Okay. Has she ever done criminal defense work or simply
21 that her work --

22 A. Well, so we do have two close friends, one was a Howard
23 County State's Attorney, and, actually, she's now within the
24 federal court system. I think she does mostly state department
25 work. I don't really know any details of her current work.

1 Q. Okay.

2 A. And then the other good friend of ours is -- does a lot of
3 litigation and criminal work.

4 Q. Do they talk to you about those experiences that they have
5 in their criminal cases?

6 A. Not really, no.

7 Q. No?

8 A. I know I don't -- you shouldn't be asking so I don't.

9 Q. Okay, got it. All right. So knowing that, is it fair to
10 say that their work really wouldn't affect your ability to be
11 fair and impartial in this case?

12 A. Yeah, I feel that I could be fair and impartial.

13 Q. Okay. Any hesitation or concern about that?

14 A. No.

15 Q. Okay.

16 THE COURT: All right, Government, any follow-up?

17 MR. MOOMAU: Yes.

18 BY MR. MOOMAU:

19 Q. Sir, you had talked about the work trip you had planned,
20 and it was part of a project you've been working on for how
21 long?

22 A. Since roughly last November.

23 Q. Okay, and is this something that's --

24 A. I work in the museum industry and so it's -- I'm returning
25 human remains back to -- it's part of a collection, of the

1 museum's collection. So we're returning those human remains
2 back to the native land.

3 Q. Is that -- the trip to New York would be driving and
4 returning --

5 A. No, taking the train.

6 Q. Okay. All right, I could think of other questions, but I
7 think I'm going to leave it at that. Thank you, sir. That's
8 all I have.

9 THE COURT: Mr. Davis?

10 MR. DAVIS: None, Your Honor.

11 THE COURT: Okay. Thank you, sir. I appreciate your
12 time.

13 (Exit juror number 126.)

14 THE COURTROOM DEPUTY: Your Honor, just to confirm,
15 are we keeping that as a good juror?

16 THE COURT: Yep.

17 THE COURTROOM DEPUTY: Thank you.

18 (Enter juror number 131.)

19 PROSPECTIVE JUROR NO. 131,
20 a prospective juror, having been first duly sworn to answer
21 questions, was examined as follows:

22 EXAMINATION

23 BY THE COURT:

24 Q. Hi there. Juror number 131?

25 A. Yes.

1 Q. Okay. I just wanted to follow up with you on your yes
2 answers. You, at number five, checked yes to whether you're
3 taking medication that might affect your ability to pay full
4 attention.

5 A. I am. I'm a Type I diabetic, insulin dependent.

6 Q. Okay.

7 A. I do use an insulin pump, and I do monitor with a blood
8 glucose monitor. So I don't know if that would affect it or
9 not.

10 Q. Okay. And you're working currently as a dental hygienist?

11 A. Yes, I work full-time.

12 Q. All right. So is it fair to say then you're able to keep
13 your condition under control such that when you're working on
14 people's teeth, you're not making any mistakes. Am I right?

15 A. Right.

16 Q. Okay. All right, very good. And if you need -- just so
17 you know, if you're selected and you need, you know, breaks or
18 accommodations, we certainly have lots of, you know, we have
19 space. We have private bathrooms. We have ways to help you
20 make sure that you can take care of your health. Okay?

21 A. Okay.

22 Q. All right.

23 THE COURT: Government, any follow-up for this
24 witness?

25 MR. MOOMAU: No, Your Honor. Thank you.

1 THE COURT: Okay. Defense?

2 MR. DAVIS: No.

3 THE COURT: All right. Thank you, ma'am. I
4 appreciate your time.

5 JUROR NUMBER 131: Thank you.

6 (Exit juror number 131.)

7 (Enter juror number 133.)

8 PROSPECTIVE JUROR NO. 133,
9 a prospective juror, having been first duly sworn to answer
10 questions, was examined as follows:

11 EXAMINATION

12 BY THE COURT:

13 Q. Hi there.

14 A. Hi.

15 Q. Juror number 133?

16 A. Yes, ma'am.

17 Q. Okay. I see you're a phlebotomist. Is that correct?

18 A. Yes.

19 Q. All right. You must have a very gentle touch. Do you
20 actually draw people's blood?

21 A. Um-hum.

22 Q. Okay, well, I thank you for your service.

23 THE COURT: Let me ask Counsel if you have any
24 follow-up questions for 133?

25 MR. MOOMAU: Yes, just a few questions.

1 THE COURT: Sure.

2 BY MR. MOOMAU:

3 Q. Just for additional information, you had indicated on the
4 questionnaire that your spouse is an administrative assistant?

5 A. Yes, sir.

6 Q. In what type of business is that?

7 A. He's working in tax accountancy. It's an Indian company.

8 Q. Okay. All right. All right, thank you.

9 MR. DAVIS: None, Your Honor.

10 THE COURT: Okay. Thank you so much. I appreciate
11 your time.

12 (Exit juror number 133.)

13 (Enter juror number 136.)

14 PROSPECTIVE JUROR NO. 136,
15 a prospective juror, having been first duly sworn to answer
16 questions, was examined as follows:

17 EXAMINATION

18 BY THE COURT:

19 Q. Hi there.

20 A. Hello.

21 Q. Juror 136?

22 A. Yes, ma'am.

23 Q. Okay. I just want to follow up with you on some of your
24 yes answers. You checked yes as to whether you, a family
25 member, or friend is employed or sought employment with the

1 United States Court, Department of Justice, U.S. Attorney's
2 Office, FBI. Do you remember that question?

3 A. Yes.

4 Q. What caused you to check yes?

5 A. My brother used to work for the Department of Justice.
6 He's applied to the DEA. He's soon to be hired or go into
7 Quantico probably like August time, and I've also applied to
8 Prince George's County Fire Department.

9 Q. Okay. So let's start with your brother. You said he had
10 worked for the Department of Justice?

11 A. Yes.

12 Q. What did he do for them?

13 A. I'm not entirely sure. He didn't really tell me. But now
14 he works as a private military contractor.

15 Q. Okay. And he's going into the academy?

16 A. Yes, ma'am.

17 Q. All right. Do you all talk about like his selection of
18 career, why he's deciding to be a DEA agent or go into the DEA?

19 A. He said that it's a higher purpose to serve and that he
20 would like to fight back on that and really try to get drugs
21 off the street. That's his purpose.

22 Q. Okay.

23 A. Why he wants to do it.

24 Q. Anything about your brother, you know, talking to you
25 about this stuff that would affect your ability to be fair and

1 impartial in this case?

2 A. We talk about a lot about the activities that happen
3 around here in the DMV.

4 Q. Meaning the crimes that you hear about on the news and
5 things like that?

6 A. Yes.

7 Q. Okay. So have you ever served on a jury before?

8 A. No.

9 Q. Okay. So one of the things that I would do if you're
10 selected as a juror is right in the beginning I would tell
11 you -- and at the end -- some jury instructions. One of those
12 instructions would be anything that you've talked about, any
13 views you might have outside this courtroom, you must leave
14 them outside the courtroom and judge this case based only on
15 the evidence you hear in this court and the instructions that I
16 give you on the law. Would you be able to follow my
17 instruction in that respect?

18 A. Truthfully, I'm not sure.

19 Q. What makes you -- what causes you to hesitate?

20 A. I've read a lot of cases that have happened in Maryland,
21 in Hyattsville. I read one case was Hernandez-Guevara, I
22 think. I don't know if that's the person in this case, per se,
23 but I've read different cases.

24 Q. When you say you've read different cases, what do you
25 mean?

1 A. Like, I've read about what happened, like racketeering,
2 killing, murdering, and all that.

3 Q. All right. And you're -- so what is -- again, with my
4 instruction being not to consider any of that, what is your
5 concern with respect to following my instructions?

6 A. I don't know if I would be able to follow your
7 instructions just because I know it's a violent gang, and I
8 know what they're about, and I've heard. And, respectfully, I
9 don't know if I could like bring myself to not bring that into
10 the courtroom.

11 Q. Okay. Well, along those lines, there was a specific
12 question, since you're bringing up gangs, about MS-13 and
13 whether you could -- whether you had any views about that gang,
14 and you didn't check yes to that. Why not?

15 A. Honestly, I was half asleep this morning. I wasn't really
16 thinking right. But I did check yes that I don't think I would
17 be able to stand on the jury to that question. I think that
18 was like question 12 or like 13, something like that.

19 Q. Well, you checked yes to 12, which is whether you have a
20 family member or friends who work in the federal government.
21 You checked yes to whether you have family or friends involved
22 in criminal defense work. And then you did not check yes to
23 any of the questions that get to whether you could be fair and
24 impartial.

25 So, you know, this process is important, and so that's why

1 I just want to understand why right now you're telling me this
2 but on -- there were other questions, too, and none of them did
3 you check that. So --

4 A. Yeah, they said if you were unsure, check yes, but I
5 was -- I was unsure. So I checked no. I didn't listen. I'm
6 sorry. That's my fault.

7 THE COURT: Government, do you have any follow-up?

8 MR. MOOMAU: No, Your Honor. Thank you.

9 MR. DAVIS: No, Your Honor.

10 THE COURT: All right. Thank you, sir.

11 JUROR NUMBER 136: Thank you.

12 (Exit juror number 136.)

13 THE COURT: All right, so that was juror 136. What
14 are we doing with him?

15 MR. DAVIS: Well --

16 MR. MOOMAU: We're going to move to strike, Your
17 Honor, based on his answer to the Court's questions.

18 MR. DAVIS: We're going to join that also. I guess
19 some folks just don't want to sit.

20 THE COURT: Right.

21 MR. DAVIS: And I think he is one of them.

22 THE COURT: And they will go to great lengths to
23 shuck and jive with the Court, which doesn't sit well with me.

24 MR. DAVIS: No, and it doesn't sit well with us, but
25 I don't want him to be sitting here on my jury.

1 THE COURT: Right. Exactly.

2 Okay. All right, 136 is stricken.

3 Okay, Counsel, we're at 20 even with I think the wobbly
4 number 88. So we're doing pretty well. Break until 1:35, a
5 quick lunch. Anything that you all need from me before we
6 break?

7 MR. MOOMAU: No, Your Honor.

8 THE COURT: All right. See you back here in a bit.
9 Thank you.

10 THE COURTROOM DEPUTY: This Honorable Court now
11 stands in recess.

12 (Recess taken, 1:04 P.M. - 1:41 P.M.)

13 THE COURTROOM DEPUTY: May I have your attention,
14 please. The United States District Court resumes in session.

15 THE COURT: All right, everybody. Are we ready to
16 continue?

17 MR. MARTIN: Yes, Your Honor.

18 MR. DAVIS: Yes, Your Honor.

19 MS. GROSSI: Yes, Your Honor.

20 THE COURT: So before we start -- wait a minute. Oh,
21 I'm sorry. That's the case agent. I thought I had another
22 juror. Okay, before we start, juror number 379, evidently her
23 mother is being taken by ambulance to the emergency room, and
24 so she is asking to be excused.

25 MR. DAVIS: No objection.

1 THE COURT: Okay.

2 MR. MOOMAU: No objection, Your Honor.

3 THE COURT: All right. So 379 can go.

4 All right. And we're up now to 146.

5 (Enter juror number 146.)

6 PROSPECTIVE JUROR NO. 146,

7 a prospective juror, having been first duly sworn to answer
8 questions, was examined as follows:

9 EXAMINATION

10 BY THE COURT:

11 Q. Hi there, juror number 146?

12 A. Yes.

13 Q. Okay. I just wanted to follow up with you on some of your
14 yes answers. You checked yes to number four, which is whether
15 the dates and times of this trial might pose a problem for you.

16 A. Yes. I'm a research nurse for the National Cancer
17 Institute, and my co-worker who I am supposed to cover for is
18 on leave all next week. So I worry that my team will be left
19 empty-handed.

20 Q. Have you reached out to any of your employers,
21 supervisors, co-workers to let them know that you have jury
22 service today?

23 A. They know I have jury service today, yes.

24 Q. Okay, and as a research nurse, do you predominantly do
25 your work at home or do you go in?

1 A. It's mixed. I go in to see patients, and I'm at home some
2 of the time.

3 Q. Okay. So for the following -- for the next two weeks, do
4 you have any flexibility in your schedule where you can go in,
5 for example, on the weekends or at other times to make up for
6 the time you might miss?

7 A. So when my colleague is away, I'm covering for her. So if
8 there's patients to see, I -- it's time sensitive matters so I
9 can't really do it at other times.

10 Q. What would happen, God forbid, you got sick and couldn't
11 go in? What would they do?

12 A. They would find someone, I guess, to cover for me.

13 Q. Okay. Can you start making at least overtures as to
14 whether they could find a substitute for you if you are
15 selected?

16 A. Yes, I can.

17 Q. Okay. Is there anything else in your schedule that would
18 prevent you from serving?

19 A. No. No.

20 Q. Okay.

21 All right, let's talk about some of your other answers.

22 Number 14 you checked yes, which is whether you, a family
23 member, or close friend had ever been employed with a federal
24 or state court-related agency, such as parole, probation,
25 pretrial.

1 A. Yeah, my uncle worked for the prison system, but I don't
2 know much detail about what he did.

3 Q. Okay. All right, so don't know if it was state or
4 federal?

5 A. No, I don't know.

6 Q. Okay. Fair to say he didn't talk to you much about his
7 job?

8 A. No.

9 Q. All right. So is there anything about his employment that
10 would affect your ability to serve today?

11 A. No.

12 Q. Okay.

13 All right, and then 32 you checked yes, and 32 is whether
14 you, a family member, or close friend had ever been the victim
15 of a crime, witness to a crime, or witness for the prosecution
16 or defense in a criminal case.

17 A. Yes. I mean, I wasn't alive, but my uncle was murdered in
18 Baltimore City, and it affected my dad, but I don't -- I wasn't
19 alive during that time.

20 Q. Okay. The fact that, though, it affected your father,
21 does that -- will that bear at all on your ability to serve as
22 a juror in this case?

23 A. I don't think so but -- I guess I don't think so.

24 Q. Okay. You seem to be hesitant. So I just want to make
25 sure if there is anything else you want me to know about

1 that --

2 A. No, I mean, I just -- no. I can't think of anything else,
3 no.

4 Q. All right.

5 THE COURT: Okay.

6 Government, any follow-up?

7 MR. MOOMAU: No questions, Your Honor. Thank you.

8 THE COURT: Defense?

9 MR. DAVIS: No questions, Your Honor.

10 THE COURT: All right. Thank you so much. I
11 appreciate your time.

12 JUROR NUMBER 146: Thank you.

13 (Exit juror number 146.)

14 THE COURTROOM DEPUTY: Your Honor, I'm sorry. I was
15 dealing with some issues. That's a good juror? Juror number
16 21?

17 THE COURT: Yes.

18 THE COURTROOM DEPUTY: Thank you.

19 (Enter juror number 154.)

20 PROSPECTIVE JUROR NO. 154,
21 a prospective juror, having been first duly sworn to answer
22 questions, was examined as follows:

23 EXAMINATION

24 BY THE COURT:

25 Q. Good afternoon, 154.

1 A. Good afternoon.

2 Q. I'm going to ask the lawyers if they have any follow-up
3 questions for you.

4 A. Sure.

5 THE COURT: All right. Government?

6 MR. MOOMAU: Just a second, please, Your Honor.

7 THE COURT: Sure.

8 (Brief pause.)

9 BY THE COURT:

10 Q. I see -- while the lawyers are looking, I see your
11 profession is massage practitioner?

12 A. That's correct.

13 Q. And it makes me think about how much my back hurts at the
14 end of the day. So I bet you're well in high demand given how
15 much the world sits.

16 A. Very busy these days.

17 Q. Yes.

18 THE COURT: All right. Government?

19 BY MR. MOOMAU:

20 Q. Just a follow-up question on what the judge asked. How
21 long have you been working in that profession?

22 A. Five years.

23 Q. And your previous employer -- or have you worked the
24 entire five years with the current employer?

25 A. No. I have had multiple employers. This is my third

1 position in this -- as a massage therapist.

2 Q. Okay. And as far as -- just educate me for a second.

3 Like, your scheduling for that?

4 A. Sure. I went to Potomac Massage Training Institute, which
5 is located in Silver Spring, for 18 months. I graduated in
6 spring of 2017. I got my licensure in Maryland in late -- of
7 that year, and I have practiced at Turn Blue in Silver Spring,
8 Massage Envy in Silver Spring, and now Elements Massage in
9 Bethesda.

10 Q. All right. Thank you, sir.

11 THE INTERPRETER: I can't hear him very well.

12 THE COURT: Okay.

13 BY THE COURT:

14 Q. Can you, sir, can you do me a favor and repeat your last
15 answer, just going right into the microphone so we can hear
16 you?

17 A. Oh, sure. My apologies. The question was just as to my
18 history about my profession. I graduated from Potomac Massage
19 Training Institute in spring of 2017. Later that year, I
20 obtained my Maryland licensure and have been working in the
21 massage profession since then at Turn Blue in Silver Spring,
22 Massage Envy in Silver Spring, and, finally, Elements Massage
23 in Bethesda. And those are chronological.

24 Q. Thank you.

25 THE COURT: Defense, anything?

1 MR. DAVIS: Nothing, Your Honor. Thank you.

2 THE COURT: All right.

3 Thank you, sir. I appreciate your time.

4 JUROR NUMBER 154: Thank you.

5 (Exit juror number 154.)

6 (Enter juror number 172.)

7 PROSPECTIVE JUROR NO. 172,

8 a prospective juror, having been first duly sworn to answer
9 questions, was examined as follows:

10 EXAMINATION

11 BY THE COURT:

12 Q. All right. Good afternoon. Juror 172?

13 A. Yes.

14 Q. All right. I want to follow up with you on some of your
15 yes answers. You checked yes to number four, which was about
16 whether the dates and times pose a problem, and you wrote, it
17 looks like, 7-14 next to it.

18 A. Yes. I have a court order to submit DNA testing for child
19 support on that date.

20 Q. Okay. So you have to appear -- where do you have to go?

21 A. The Temple Hills child support office.

22 Q. Do you have a particular time you have to show up or is
23 it --

24 A. 1:30 p.m.

25 Q. I'm sorry?

1 A. 1:30 p.m.

2 Q. 1:30 p.m. okay. Have you made any phone calls or emails
3 about whether if you have jury service, would they move it for
4 another date and time?

5 A. I have not had that conversation, but there is a telephone
6 number that they provide where I could.

7 Q. There's a telephone number?

8 A. Yes.

9 Q. Okay. So while we're going through this process, when
10 we're done, if you wouldn't mind making a phone call and seeing
11 if -- tell them if you're selected as a juror, can they find
12 another date and time after this trial is over?

13 A. Yes.

14 Q. To allow you to come in. And let someone at the Jury
15 Committee know what you learn. That would be great.

16 A. Okay, I will.

17 Q. Okay.

18 And then you also wrote for number 12, whether you or a
19 family member is employed by a government agency, and you wrote
20 USPS next to it. What's that?

21 A. Yes. I was employed by USPS for seven years between 2012
22 to 2019.

23 Q. Okay. What did you do for them?

24 A. I was a mail processing clerk.

25 Q. Okay. And you're no longer with them?

1 A. No.

2 Q. Can you share with us what caused you and USPS to part
3 ways?

4 A. Oh, so I graduated from college and moved on to another
5 career.

6 Q. Very good.

7 Okay. Anything else that causes you to check yes to
8 number 12?

9 A. No.

10 Q. Okay.

11 And then number 33, the question is, Do you or any of your
12 family members, or close friends, belong to a group that
13 advocates for change in the Criminal Justice System or
14 sentencing guidelines?

15 A. So I was unsure about that question. I am not a member of
16 a particular group, but I am in the field of social work, which
17 promotes social justice so.

18 Q. And where do you work as a social worker? For Children's
19 National?

20 A. Children's National. But I'm not a social worker. I work
21 with the social work team.

22 Q. I see. Got it.

23 A. I'm not licensed yet.

24 Q. Okay. So what kind of work do you do in this area?

25 A. Helping families connect to resources in the community and

1 resources in the hospital for insurance, transportation, and
2 other social needs.

3 Q. Does your job put you in touch sort of with the Criminal
4 Justice System or people who are going through the system?

5 A. No, not really. Not often.

6 Q. Okay. So maybe I missed it. Tell me again why you
7 were -- you did right by checking yes if you were unsure. What
8 prompted you to check yes to this question?

9 A. Just because social justice is a part of our core values
10 in social work. So that's why.

11 Q. Okay, got it. So if you were selected as a juror, one of
12 the primary instructions I would give you is to base your
13 decision in this case on the evidence that you hear in this
14 courtroom and the law as I instruct you. So the other side of
15 that is any personal feelings you might have about the Criminal
16 Justice System you're to put them to the side and follow the
17 instructions as I give them to you. Would you be able to do
18 that?

19 A. Yes.

20 Q. Okay. All right, let me see if the government has any
21 follow-up for you.

22 MR. MOOMAU: No questions, Your Honor. Thank you.

23 THE COURT: Defense?

24 MR. DAVIS: None.

25 THE COURT: All right, great.

1 MR. MARTIN: No questions, Your Honor --

2 THE COURT: I'm sorry?

3 MR. MARTIN: No questions but a comment. The
4 juror might -- the prospective juror might want to know that
5 the 15th and the 22nd the Court is not sitting.

6 THE COURT: Oh, yes, good point.

7 BY THE COURT:

8 Q. So you have your date right now to appear on the 14th.

9 A. Yes.

10 Q. Right. Mr. Martin raises a good point. We are not
11 sitting the Friday, the next day, or the 22nd. So if that
12 works for, you know, where you have to give them a call and see
13 if you can come the next day --

14 A. Okay, I'll keep those dates in mind.

15 Q. That would be great. Okay. All right, thank you so much.

16 A. Thank you.

17 (Exit juror number 172.)

18 (Enter juror number 173.)

19 PROSPECTIVE JUROR NO. 173,
20 a prospective juror, having been first duly sworn to answer
21 questions, was examined as follows:

22 EXAMINATION

23 BY THE COURT:

24 Q. Hi there. Juror number 173?

25 A. Yes.

1 Q. I want to follow up with you on your yes answers. You
2 checked yes to whether a family member, friend, or yourself has
3 received legal training, education, or is in the profession.

4 A. Yes. My wife is an attorney.

5 Q. I see that.

6 A. And I also have several other relatives that are
7 attorneys.

8 Q. All right. Let's start with your wife. What kind of law
9 does she practice?

10 A. She practices communication law.

11 Q. Okay, so not in litigation in court or anything like that?

12 A. No.

13 Q. Okay. Anyone else in your family or circle that practices
14 law?

15 A. Yes. I have a niece and a nephew. Both work -- they are
16 Assistant State's Attorneys for Montgomery County.

17 Q. Okay. Do you talk with them about their work?

18 A. Occasionally, but not often.

19 Q. All right. Is there anything about what you've learned
20 from them --

21 A. No.

22 Q. -- that would affect your ability to be a fair juror in
23 this case?

24 A. No, not at all.

25 Q. Okay. Anyone else you were thinking about when you

1 checked yes to number 11?

2 A. I have a brother-in-law who is an attorney as well.

3 Q. You're surrounded.

4 A. Right. I'm surrounded, yes.

5 Q. All right. And your brother-in-law, what kind of law does
6 he practice?

7 A. He's with the government. That's basically all I can say.

8 Q. So you don't have any details about what he does?

9 A. No.

10 Q. Okay. Anybody else?

11 A. No, that's it.

12 Q. Okay.

13 Now, you also checked yes to number 12 and 13; 12 is about
14 whether you, a family member, or friend is employed by the
15 court.

16 A. Right. That's related to what I just said earlier.

17 Q. Okay. How about 13, which is you, a family member, or
18 close friend involved in criminal defense work?

19 A. Well, my wife's law firm does criminal -- I thought that
20 basically covered that but --

21 Q. I see.

22 A. But she doesn't.

23 Q. She doesn't do it?

24 A. No.

25 Q. Okay. All right.

1 You also checked yes to number 32, which is whether you,
2 family member, or close friend had ever been the victim of a
3 crime or a witness to or witness for the prosecution or
4 defense?

5 A. I've been a victim of a crime but --

6 Q. Okay. Can you tell us a little bit about that?

7 A. I've been -- my car has been broken into several times.

8 Q. All right. Did any of that ever result in like finding
9 the person who did it?

10 A. No.

11 Q. Pressing charges?

12 A. Um-um.

13 Q. Okay.

14 THE COURT: All right. Counsel, any follow-up for
15 juror number 173?

16 MR. MOOMAU: Yes.

17 BY MR. MOOMAU:

18 Q. Just his occupation.

19 A. Right now I'm retired.

20 Q. Okay. And your previous occupation?

21 A. Engineer with Hewlett Packard.

22 Q. Okay. Thank you, sir.

23 A. Okay.

24 THE COURT: Defense?

25 MR. DAVIS: No, Your Honor, nothing.

1 THE COURT: All right. Thank you, sir. I appreciate
2 your time.

3 (Exit juror number 173.)

4 (Enter juror number 183.)

5 PROSPECTIVE JUROR NO. 183,
6 a prospective juror, having been first duly sworn to answer
7 questions, was examined as follows:

8 EXAMINATION

9 BY THE COURT:

10 Q. Hi there.

11 A. Good morning.

12 Q. Juror 183?

13 A. Yes, I am.

14 Q. All right. I wanted to follow up with you on some of your
15 yes answers. The first is you answered yes to question number
16 11, which is whether you, a family member, or friend has legal
17 training or education.

18 A. Correct.

19 Q. And you wrote ex-husband is an attorney?

20 A. Yes.

21 Q. Good friend attended and graduated from AU Law and you
22 worked there?

23 A. And I also worked as an archivist at American University
24 Washington College of Law.

25 Q. Okay, so let's start with your ex-husband. What kind of

1 law did he practice?

2 A. He's currently a patent examiner; so he does patent law.

3 Q. Okay. And when you worked as -- an archivist, you said,
4 at AU Law?

5 A. Right.

6 Q. Any of that work have any interaction with criminal
7 defense, criminal law, trials?

8 A. Technically, yes. The archives I worked with is the
9 national equal justice library, and the goal of that archive
10 was to document the history of the legal aid system and the
11 legal justice system. It's now housed at George Washington
12 University School of Law.

13 Q. Okay. Are you still doing that work?

14 A. No.

15 Q. Okay. Anything about your experience in that line of work
16 that would affect your ability to be a fair and impartial juror
17 in this case?

18 A. I don't know. I can't answer that question.

19 Q. Okay, why do you say that?

20 A. I've seen what was -- you know, the work that was done and
21 know that it was important work, but I don't know if what I
22 learned as an archivist and working with those collections
23 would interfere with me doing -- being a fair and impartial
24 juror.

25 Q. Well, let me ask you this. Have you ever served on a jury

1 before?

2 A. No.

3 Q. Okay. So one of the things, if you're selected as a
4 juror, is I'll give you instructions. I will advise you or
5 instruct you on the law. I'll instruct you on what evidence
6 you can consider, and that evidence is only what you learn in
7 this courtroom. So I'll specifically instruct you anything
8 you've learned in your prior employment you are to disregard.
9 Decide this case based only on the evidence that you hear in
10 the courtroom and the instructions that I give you. Would you
11 be able to follow my instruction?

12 A. I believe so.

13 Q. Okay. All right, and then that was question 11.

14 Question 20, which is whether you have views about
15 testimony given by cooperators who may receive a reduced
16 sentence in exchange for their cooperation, and you checked
17 yes, that that may affect your ability to be fair and
18 impartial. What did you mean when you checked -- what were you
19 thinking about?

20 A. If someone assisted in creating -- in committing a felony
21 and they received a reduced sentence, I have concerns that if
22 they receive that reduced sentence and they are released early,
23 they may go out and offend again.

24 Q. Okay. One of the -- again, one of the things that I'll
25 instruct you on is that you only consider the evidence that you

1 hear here, and you don't speculate or, you know, presume about
2 the future.

3 A. That's, unfortunately, that's very hard to do. There is
4 too much happening in the world in terms of people being found
5 guilty of, you know, being involved, and the judges or the
6 juris system saying, okay, go forth and we believe you'll sin
7 no more.

8 Q. So along those lines, if I were to instruct you that
9 punishment, whether it's punishment of the person who is
10 convicted of punishment of the cooperating witnesses is really
11 not your concern, you are to put that out of your head and deal
12 only with the evidence that you're given, would you be able to
13 do that?

14 A. Again, I'm not sure because based on the decisions of you
15 or other jurisdictions, that person may be out, and one day I
16 may be walking to my car and that person that was given a
17 reduced sentence can cause problems.

18 Q. Okay.

19 All right, you also checked yes to number 21, which is
20 whether you have any views about MS-13 that may affect your
21 ability to be fair.

22 A. I believe that -- I believe it is -- it's equivalent to
23 the mafia and that at least from what I've seen in the media
24 and what I've read about MS-13, that they are a group that
25 systematically works together to benefit themselves using a

1 variety of different methods, some of which are not legal.

2 Q. And in that regard, again, if I were to tell you you can't
3 consider anything that you've learned outside this courtroom
4 about MS-13, would you be able to do that?

5 A. I'd like to believe that but I'm not sure I could.

6 Q. Okay. And then 32, whether you, a family member, or close
7 friend had ever been the victim of a crime, witness to a crime,
8 or testified in a criminal trial.

9 A. I don't know about testified in a criminal trial. I've
10 been robbed once. I've been raped once. My mom has been
11 assaulted. My other -- I've had a car smashed. So I've had
12 that experience.

13 Q. Okay.

14 THE COURT: Government, any follow-up?

15 MR. MOOMAU: No, Your Honor. Thank you.

16 THE COURT: Defense?

17 MR. DAVIS: Nothing, Your Honor.

18 THE COURT: All right. Thank you so much. I
19 appreciate it.

20 JUROR NUMBER 183: Thank you.

21 (Exit juror number 183.)

22 THE COURT: Is there a motion?

23 MR. MOOMAU: Yes, the government would move, Your
24 Honor, based upon her stated lack of I guess certainty that she
25 would be able to follow the Court's instructions, among other

1 things.

2 MR. DAVIS: I would join in that. I think she's
3 traumatized. I don't think she can put that behind her.

4 INTERPRETER LOPEZ: I'm sorry, the interpreter cannot
5 hear. Please speak into the microphone.

6 MR. DAVIS: I would join in the objection. I think
7 she's been traumatized, and I don't think she can put that
8 aside and be fair and impartial.

9 THE COURT: Yes, I agree. Not only the substance but
10 her demeanor. So I'll grant the motion.

11 MR. DAVIS: It's too bad. She was pretty sharp.

12 THE COURT: I know.

13 (Enter juror number 187.)

14 PROSPECTIVE JUROR NO. 187,
15 a prospective juror, having been first duly sworn to answer
16 questions, was examined as follows:

17 EXAMINATION

18 BY THE COURT:

19 Q. Hello. Juror 187?

20 A. Yes.

21 Q. I wanted to follow up with you on your yes answer to
22 whether you read, write, or speak Spanish.

23 A. I do.

24 Q. Can you tell us a little bit about your fluency?

25 A. Well, I learned how to speak Spanish and that's not

1 through school or anything but just through like my parents, my
2 family, community. And writing, I'm not that proficient, but I
3 can read better than I can write.

4 Q. Okay. So growing up did you speak Spanish in your house?

5 A. Yes, I did.

6 Q. All right. Do you speak Spanish currently in your house?

7 A. I do.

8 Q. How about at your job or --

9 A. Sometimes.

10 Q. Okay. How do you consider your English? Do you consider
11 yourself bilingual? You know, proficient in English?

12 A. Yes.

13 Q. Okay. So we will have Spanish-speaking witnesses;
14 however, all of their testimony will be translated into English
15 by an official court interpreter, and my instruction will be
16 consider only the English testimony. Would you be able to not
17 translate on your own in Spanish; just focus in on the English
18 testimony?

19 A. I can.

20 Q. Okay. Same with the written word. There may be written
21 documents which are translated into Spanish. Would you be able
22 to not translate -- translated into English. Would you be able
23 to not translate on your own and just look to the English
24 translation?

25 A. I can.

1 Q. Okay.

2 THE COURT: All right, Counsel, any follow-up for
3 juror 187?

4 MR. MOOMAU: Yes, just a couple of questions.

5 THE COURT: Okay.

6 BY MR. MOOMAU:

7 Q. Could you please tell us a little bit about your
8 occupation as a phone operator with University of --

9 A. Yes, I'm with UMD, and I'm in the facilities maintenance.
10 So it's like a help center where we answer for maintenance if
11 there are any issues in the building, academic or sometimes the
12 residential side.

13 Q. How long have you been doing that?

14 A. About four years.

15 Q. Thank you.

16 MR. DAVIS: No questions.

17 THE COURT: All right. Thank you. I appreciate your
18 time.

19 JUROR NUMBER 187: Thank you.

20 (Exit juror number 187.)

21 (Enter juror number 211.)

22 PROSPECTIVE JUROR NO. 211,

23 a prospective juror, having been first duly sworn to answer
24 questions, was examined as follows:

25

EXAMINATION

BY THE COURT:

1 Q. All right. Good afternoon, juror 211.

2 A. Good afternoon. Yes, ma'am.

3 Q. I wanted to follow up with you on your yes answers. You
4 checked yes to whether you had previously served as a juror at
5 a grand jury or petit jury in criminal trials in any court.
6 Can you tell us about that?

7 A. Upper Marlboro. It was a rape case.

8 Q. How long ago was that?

9 A. Two years ago.

10 Q. So during COVID or before COVID?

11 A. Before COVID.

12 Q. All right. Did you see it all the way to verdict?

13 A. No. I was an alternate, and they let me go before.

14 Q. Okay. Anything about that experience that would affect
15 your ability to be a fair and impartial juror in this case?

16 A. No, ma'am.

17 Q. All right. Any other jury service?

18 A. No.

19 Q. Okay.

20 All right. You also checked yes to number 12, which is
21 whether you, a family member, or friend have either been
22 employed or sought employment with the United States Courts,
23 Department of Justice, U.S. Attorneys, FBI. Who were you
24
25

1 thinking about when you checked yes to that?

2 A. My niece. She used to work in the Upper Marlboro
3 courthouse in the administrative building.

4 Q. In the administrative building did you say?

5 A. Yes, ma'am.

6 Q. Okay. How long did she work there, if you know?

7 A. Like 17 years.

8 Q. Did she talk to you about her job?

9 A. No.

10 Q. Anything about the fact she worked for the courts affect
11 your ability to be a fair and impartial juror here?

12 A. No, Your Honor.

13 Q. Okay. Thinking of anything else when you checked yes to
14 that question?

15 A. No, Your Honor.

16 Q. Okay.

17 All right. It looks like you originally checked yes but
18 then checked no to number 13, so let's just make sure. Number
19 13 was whether you, a family member, or close friend ever
20 worked in a firm involving criminal defense work.

21 A. Yes, that's no.

22 Q. Okay, it's a no. Yes, it's a no. Very good.

23 And then you checked yes to number 31, which is whether
24 you, a family member, or close friend ever been convicted of a
25 crime, accused of a crime, or been the subject of a criminal

1 investigation.

2 A. Yes. My son.

3 Q. Okay. Can you tell us a little bit about that?

4 A. For a vehicular manslaughter.

5 Q. All right. When did that happen? When was the case?

6 A. It was in Charles County probably about 10, 12 years ago.

7 Q. Okay. Were you involved in the case at all, like
8 testified as a witness or went to court?

9 A. No.

10 Q. Was there anything about the way your son was treated
11 during that case that would affect your ability to be fair in
12 this case?

13 A. No, Your Honor.

14 Q. Okay.

15 THE COURT: All right, Counsel. Government, any
16 follow-up?

17 BY MR. MOOMAU:

18 Q. The information we have doesn't include occupation
19 information or employment information.

20 A. I'm retired.

21 Q. Okay, but before that?

22 A. I worked for the Department of Defense.

23 THE COURT: I'm sorry, we can't hear you. Can you
24 speak up a little bit?

25 JUROR NUMBER 211: Department of Defense, the

1 Pentagon.

2 BY MR. MOOMAU:

3 Q. And how long?

4 A. 37 years.

5 Q. 37 years, ma'am. Okay, thank you. That's all I had.

6 MR. DAVIS: No questions.

7 THE COURT: All right. Thank you so much. I
8 appreciate your time.

9 (Exit juror number 211.)

10 (Enter juror number 223.)

11 PROSPECTIVE JUROR NO. 223,

12 a prospective juror, having been first duly sworn to answer
13 questions, was examined as follows:

14 EXAMINATION

15 BY THE COURT:

16 Q. Hi there. Juror 223?

17 A. Yes.

18 Q. Okay. I wanted to follow up with you on some of your yes
19 answers. You answered yes to number 11, which is whether you,
20 a family member, or friend have any legal training, law school,
21 paralegal school.

22 A. Okay. My niece does.

23 Q. Okay. What is -- is she a lawyer?

24 A. No, not yet.

25 Q. Is she in law school?

1 A. She works for one.

2 Q. She works for a law school?

3 A. Yeah. A lawyer.

4 Q. And what does she do for them?

5 A. I think she's a paralegal.

6 Q. Okay. Does she talk to you about her job?

7 A. Once in a while.

8 Q. Okay. Anything about what she tells you that would affect
9 your ability to be a fair juror in this case?

10 A. To be honest, sometimes.

11 Q. Like what?

12 A. Like what somebody did, you know, if somebody stole
13 something.

14 Q. So how would that affect your ability to be fair here?

15 A. It's not going to really affect me. She just told me.

16 Q. Yeah, okay.

17 A. Yeah.

18 Q. Well, just so I'm clear, if you're picked as a juror, one
19 of the instructions I'll give you is anything you learn outside
20 this courtroom from anyone you're to forget about it; put it to
21 the side. Decide this case only on the evidence you hear in
22 this courtroom and the instructions as I give you.

23 A. Okay.

24 Q. Would you be able to do that?

25 A. Sure.

1 Q. Okay. All right, is there anybody else you were thinking
2 about when you checked yes to number 11 about people in your
3 life with legal training or in the legal profession?

4 A. No. But my sister, she works for Upper Marlboro
5 Courthouse.

6 Q. She works in the courthouse?

7 A. Yes.

8 Q. What does she do in the courthouse?

9 A. She does probation.

10 Q. She's in the Probation Department?

11 A. Yes.

12 Q. How long has she worked for probation?

13 A. A long time. I guess like ten years.

14 Q. Is she an officer?

15 A. No. Actually, she works at the front desk.

16 Q. Okay.

17 A. But she does things for them.

18 Q. Got it. Does she talk to you about her job?

19 A. Sometimes she does.

20 Q. All right. Again, same thing. If I were to tell you
21 anything you learn from your sister you've got to check at the
22 front door; you can't use it; you can only consider the
23 evidence that you hear in this case --

24 A. Right.

25 Q. -- would you be able to do that?

1 A. Yes, I would.

2 Q. Okay. All right, anything else with regard to number 11?

3 A. No, that's it.

4 Q. Okay.

5 You also checked yes to number 14, which is about whether
6 a family member, you, close friend worked for a court-related
7 agency.

8 A. Actually, that was my sister.

9 Q. That's your sister?

10 A. Yes.

11 Q. Anybody else you were thinking of when you checked yes?

12 A. No.

13 Q. Okay.

14 And then let's see. You also checked yes to number 31 --

15 A. Yes.

16 Q. -- which is whether you, a family member, or close friend
17 had ever been convicted of a crime, accused of a crime, or been
18 the subject of a criminal investigation.

19 A. Right. My brother.

20 Q. Tell us about that.

21 A. Well, he was arrested for assault. Not here but in
22 Florida but still --

23 Q. Sure.

24 A. So.

25 Q. How long ago was that?

1 A. Last year.

2 Q. Were you involved in like going to court with him or
3 anything about the proceedings?

4 A. Not at all.

5 Q. Was there anything about the way he was treated that would
6 affect your ability to be a fair juror in this case?

7 A. No.

8 Q. Okay. Anything else you were thinking of when you checked
9 yes to that question?

10 A. That's about it.

11 Q. Okay.

12 THE COURT: All right, let me see if the
13 government -- do you have any follow-up?

14 MR. MOOMAU: No, Your Honor. Thank you.

15 MR. DAVIS: None.

16 THE COURT: All right. Thank you, sir. I appreciate
17 your time.

18 JUROR NUMBER 223: All right.

19 (Exit juror number 223.)

20 THE COURT: Counsel, if I can, we are -- with juror
21 88, we're at 27 without 26. The next juror who is not
22 vaccinated is 252, but then we don't have anyone else until
23 actually 333 because it turns out that 307 was mistaken. So we
24 learned from Jury that sometimes because it's the only yes in a
25 sea of nos, sometimes people mean to check yes but they check

1 no when they're vaccinated. 307 has confirmed that that's what
2 307 did.

3 So in terms of unvaccinated jurors coming up in the next
4 15 potential jurors, it's only, let's see, one, two, three --
5 20 jurors. It's only 252.

6 Am I getting that right, Mr. Ulander?

7 THE COURTROOM DEPUTY: Looking at our -- if we don't,
8 if we don't use 252, there are another 16 jurors before --

9 THE COURT: We get to the next person?

10 THE COURTROOM DEPUTY: Right, which would be 333.

11 THE COURT: Wait, wait, wait. One, two, three -- is
12 it 16? I count --

13 THE COURTROOM DEPUTY: It's -- yes.

14 THE COURT: Okay, it's 16.

15 THE COURTROOM DEPUTY: Yes, it's 16 if 252 is
16 stricken.

17 THE COURT: Got it.

18 Do you all want to talk to 252 or strike 252? That's the
19 question so we know what to do after this next page.

20 MR. MOOMAU: The government is fine with just
21 removing that person.

22 MR. DAVIS: Well, he's vaccinated, isn't he?

23 THE COURTROOM DEPUTY: What's that?

24 MR. DAVIS: 252 is vaccinated, correct?

25 THE COURT: No, 252 is not next.

1 MR. DAVIS: Oh.

2 THE COURTROOM DEPUTY: 227 is next.

3 THE COURT: Yeah, we have this whole page. We have
4 five jurors, right. We're at 27 but we're going to need to get
5 to the 252 page, and 252 is the only one in the next, you know,
6 several pages who is not vaccinated. Are you comfortable,
7 Mr. Davis, with just striking 252?

8 MR. DAVIS: We are.

9 THE COURT: Okay. All right, so we'll roll then when
10 we get to the next page to 260. Okay?

11 (Enter juror number 227.)

12 PROSPECTIVE JUROR NO. 227,
13 a prospective juror, having been first duly sworn to answer
14 questions, was examined as follows:

15 EXAMINATION

16 BY THE COURT:

17 Q. Hi, sir.

18 A. Hi. Good morning -- good afternoon.

19 Q. You are 227?

20 A. I am.

21 Q. All right. I'm going to follow up with you on your yes
22 answers. You checked yes to number three and listed, it
23 appears, a number of potential witnesses. Am I getting that
24 right?

25 A. That's correct.

1 Q. And I see that you're an attorney. Are you with the
2 Prince George's County State's Attorney's Office?

3 A. Yes.

4 Q. Is that in connection how you know some of these folks?

5 A. Yes.

6 Q. All right. Do you know them well enough where it would be
7 odd, to say the least, if you're a juror and they are in the
8 jury box -- they are in the witness stand?

9 A. Well, it crossed my mind when I got the summons, but it
10 wouldn't be odd -- I mean, they were in different units at the
11 time.

12 Q. Okay.

13 A. He was sort of a mentor, you know, but --

14 Q. And specifically, because I see Chinchilla you've written
15 down.

16 A. Yes.

17 Q. And who is -- what do you have right above?

18 A. Oh, that's Dr. Alan. I have some cases with her. She's
19 a -- in connection with my job, I handle motor vehicle
20 manslaughter cases, and I know I have a handful where she's the
21 assistant medical examiner.

22 Q. And you're the current ASA on those cases?

23 A. Yes. I was trying to search my memory. I closed a few,
24 you know, but I can't recall -- I know that, you know, I just
25 tried to write quickly as the list came down, but she is likely

1 a witness. I've got about ten cases probably open.

2 Q. Okay, that you have with her?

3 A. Yes.

4 Q. Okay. All right.

5 A. Not with her alone but of the assistant medical -- I know
6 she's probably the examiner for at least, you know, two of my
7 cases.

8 Q. Cases. All right. And how long have you been with the
9 State's Attorney's Office?

10 A. Since 2004.

11 Q. Okay. All right, if you could do me a favor, sir, and
12 just step out for a minute, that would be great.

13 (Exit juror number 227.)

14 THE COURT: Counsel, need we go further?

15 MR. DAVIS: No. I make a motion.

16 THE COURT: Okay, granted. 227 is stricken.

17 (Enter juror number 230.)

18 PROSPECTIVE JUROR NO. 230,

19 a prospective juror, having been first duly sworn to answer
20 questions, was examined as follows:

21 EXAMINATION

22 BY THE COURT:

23 Q. Hi, sir.

24 A. Good morning -- good afternoon now.

25 Q. You're juror 230?

1 A. Yes.

2 Q. Okay. I just want to follow up with you on your yes
3 answer. First I want to confirm. It looked like number eight,
4 which was the question about whether you have difficulty
5 understanding English, it looked like you checked yes but then
6 checked no. We're clear your answer is no?

7 A. Yes. The answer is no.

8 Q. All right. Okay, very good. And if there is any question
9 about your difficulty to understand English, our little
10 exchange right there confirms you have no problem. Yes, the
11 answer is no. Got it.

12 All right. And it appears that you checked yes to 31,
13 which is whether you, a family member, or close friend have
14 ever been convicted of a crime, accused of criminal conduct, or
15 been the subject of a criminal investigation. Can you tell us
16 a little bit about why you've checked yes?

17 A. Yes. So I have family members that have been convicted of
18 crimes.

19 Q. Okay. Can you give us a little more detail as to when,
20 what crimes, where?

21 A. So I have family members that's probably consistently
22 convicted of crimes. I would say within the last two years I
23 have cousins, and I have a cousin consistently over his life
24 been convicted of crimes.

25 Q. And is it around here like in D.C. or Maryland?

1 A. Virginia.

2 Q. Virginia?

3 A. Um-hum.

4 Q. Okay. Have you been involved in any of those cases? And
5 what I mean by that is going to testify as a witness or a
6 character witness?

7 A. No, I have not.

8 Q. Okay. Is there anything about the way your family members
9 have been treated in those cases that would affect your ability
10 to be a fair juror here?

11 A. No.

12 Q. Okay. Anything else you want to share with us about
13 that -- your answer to that question?

14 A. No, nothing else related to that question.

15 Q. Okay. Let me see if Counsel has any follow-up for you.

16 THE COURT: Government?

17 MR. MOOMAU: No questions, Your Honor. Thank you.

18 MR. MARTIN: If I may, Your Honor.

19 THE COURT: Sure.

20 BY MR. MARTIN:

21 Q. What was your AFSC?

22 A. My FSC was one and four. Intelligence analyst. How do
23 you know that?

24 Q. We know everything about you at this point.

25 A. Okay.

1 THE COURT: Okay, Mr. Martin, you have to put on the
2 record how you know that.

3 MR. MARTIN: I was a YAG for 27 years.

4 JUROR NUMBER 230: Okay. Yeah, so I was a one and
5 four analyst, Intel analyst, and I was a 2S0 material manager,
6 logistics handler.

7 BY MR. MARTIN:

8 Q. Okay. So you were sometimes involved in law enforcement;
9 were you not?

10 THE COURT: I'm sorry, Mr. Martin. I can't hear you.
11 Can you speak right into the microphone.

12 MR. DAVIS: Sometimes -- he asked if he was sometimes
13 involved with law enforcement.

14 BY MR. MARTIN:

15 Q. You were sometimes involved with law enforcement, no?

16 A. Not in the roles that I was in. I was not involved in law
17 enforcement, no.

18 Q. Okay. So you never had any cross-dealings with the U.S.
19 Attorney's Office either in Maryland or anywhere else where you
20 were stationed?

21 A. No.

22 MR. MARTIN: I have nothing further, Your Honor.

23 THE COURT: Okay.

24 All right, thank you, sir. I appreciate your time.

25 (Exit juror number 230.)

1 MR. DAVIS: For the record, Your Honor, we noticed
2 that he was a program analyst, and his wife is in the military.

3 THE COURT: I'm sorry?

4 MR. DAVIS: We noticed he was a program analyst, and
5 we noticed his wife is in the military. So we kind of assumed.

6 THE COURT: Put two and two together. Yeah, that
7 makes total sense. And you know I was giving you a hard time,
8 Mr. Martin, tongue in cheek. The record doesn't reflect that
9 but I'm smiling.

10 MR. DAVIS: And Mr. Martin knows the right questions
11 to ask when they're in the military.

12 THE COURT: Yes, he does.

13 (Enter juror number 234.)

14 PROSPECTIVE JUROR NO. 234,
15 a prospective juror, having been first duly sworn to answer
16 questions, was examined as follows:

17 EXAMINATION

18 BY THE COURT:

19 Q. Okay. Good afternoon. Jury 234?

20 A. Yes, ma'am.

21 Q. All right. I want to follow up with you and actually turn
22 it over to the lawyers.

23 THE COURT: Government, do you have any questions for
24 234?

25 MR. MOOMAU: No, Your Honor. No questions.

1 THE COURT: Defense?

2 MR. DAVIS: We have no questions, Your Honor.

3 THE COURT: Okay. Thank you so much.

4 JUROR NUMBER 234: Thank you.

5 THE COURT: All right.

6 (Exit juror number 234.)

7 (Enter juror number 236.)

8 PROSPECTIVE JUROR NO. 236,
9 a prospective juror, having been first duly sworn to answer
10 questions, was examined as follows:

11 EXAMINATION

12 BY THE COURT:

13 Q. Hi there. Jury 236?

14 A. Yes.

15 Q. All right. I just want to follow up with you on some of
16 your yes answers. You checked yes to number four, which is
17 whether the dates and times of this trial might be a problem
18 for you.

19 A. Well, I am scheduled to be out of town from the 17th and
20 come back on the 19th.

21 Q. Okay, so the 17th -- help me out.

22 A. Is a Sunday.

23 Q. Sunday. Coming back -- tell me a little bit about why you
24 are going to be out of town for those dates?

25 A. My wife and I for her birthday purchased an Airbnb out of

1 town.

2 Q. Out of town?

3 A. Yes.

4 Q. You're going to drive there?

5 A. Yeah, we're driving.

6 Q. Okay. And I know it's a big ask, and so I say this with a
7 healthy appreciation. If you're chosen as a juror, would you
8 be able to reschedule that getaway?

9 A. I believe we may have reached the time we can get a full
10 refund but I -- it's possible, yeah.

11 Q. Okay.

12 A. Yeah.

13 Q. Let's talk about some other stuff, and if in the
14 meanwhile, when we're done here, if you would check on what the
15 cancellation and refund policy is and see if you can get away
16 -- because we'll be done -- number one, we're not sitting on
17 the Friday.

18 A. Okay.

19 Q. Okay? So you've got the Friday, Saturday, Sunday.

20 And number two, we'll be done shortly after that probably
21 the following week. So it wouldn't -- you're not going to be
22 out-of-pocket for that much longer. If you would check, I
23 would very much appreciate it.

24 A. Okay.

25 Q. Okay?

1 Anything else you were thinking about when you checked yes
2 to number four?

3 A. Not really, no.

4 Q. Okay.

5 You also checked yes to number 12, which is whether you or
6 a family member have been employed or sought employment with --
7 and there were a bunch of government federal agencies. What
8 were you thinking of?

9 A. Yeah, actually, I wasn't a hundred percent sure but I used
10 to work or I interned at the D.C. courthouse a long time ago.

11 Q. All right. What did you do at the courthouse?

12 A. I was with the juvenile parole officers. We kind of --

13 Q. I'm sorry. Can you speak up a little bit?

14 A. Sure. Yeah, I was with the juvenile parole officers. We
15 went to different court cases and kind of followed up with some
16 of the juveniles at home.

17 Q. Was that when you were a student?

18 A. I was -- I think it was my last year of high school going
19 into college.

20 Q. Okay. Anything about that experience that you think might
21 affect your ability to be a fair juror in -- this is a criminal
22 case?

23 A. No.

24 Q. Okay. Were you thinking of anything else when you checked
25 yes to that?

1 A. That was the only thing. I just -- yeah.

2 Q. Okay.

3 And then you also checked yes to number 16, which is
4 whether you have any opinions, favorable or unfavorable, about
5 -- and it lists a bunch of agencies; FBI, postal service,
6 Prince George's County Police Department, Montgomery County
7 Police Department, law enforcement, administration of justice.

8 A. I mean, unfortunately, I don't have a favorable opinion of
9 the police. I don't know if it would affect anything, but I
10 just wanted to be honest about that.

11 Q. Well, I appreciate that. One of the very important
12 instructions that I would give you -- have you ever served on a
13 jury before?

14 A. I have not. Almost but then I got dismissed.

15 Q. Okay. Well, if you were selected, I would give you the
16 instruction that you have to take all of your personal feelings
17 and any information you've learned in life really and keep them
18 outside the courtroom and decide this case based only on the
19 evidence that you hear in this court and the witnesses you hear
20 it from and the instructions that I give you. Would you be
21 able to do that?

22 A. I believe so. I'm not a hundred percent sure but I could
23 try.

24 Q. Okay.

25 THE COURT: All right. Let me ask Counsel, let's

1 start with the government, if you have any follow-up for 236?

2 BY MR. MOOMAU:

3 Q. Sir, what grades or subjects do you teach?

4 A. I teach pre-K through eighth grade.

5 Q. Okay. Okay, thank you.

6 A. No problem.

7 MR. DAVIS: No questions.

8 THE COURT: Okay. All right, thank you, sir. I
9 appreciate your time.

10 JUROR NUMBER 236: No problem. Thank you.

11 (Exit juror number 236.)

12 MR. DAVIS: If we have enough jurors, I would be
13 inclined to let him go. I'm not so certain about the
14 impartiality. I think that's more of an expression of his
15 desire to stay married and go on this three-day vacation. I'm
16 just calling it as I see it.

17 THE COURT: I think you might be right, that that was
18 the demeanor that suggested this was a plan B if plan A didn't
19 work.

20 Government, what's your view on this? I mean, we're doing
21 well. We're at 29.

22 MR. MOOMAU: Yeah, I'm fine with either removing him
23 or putting him down.

24 THE COURT: Yeah. I mean, I'm concerned in
25 combination with the plans, I mean, he put on the record that

1 he has a healthy skepticism for law enforcement and that he was
2 not really moving away from. So I say we -- if you're going to
3 move, I'll strike.

4 MR. MOOMAU: Government will move.

5 MR. DAVIS: We'll move.

6 THE COURT: All right.

7 (Enter juror number 240.)

8 PROSPECTIVE JUROR NO. 240,
9 a prospective juror, having been first duly sworn to answer
10 questions, was examined as follows:

11 EXAMINATION

12 BY THE COURT:

13 Q. Good afternoon.

14 A. Hi. Good afternoon.

15 Q. Juror 240?

16 A. Yes.

17 Q. Just wanted to follow up with your yes answer. You said
18 yes that you read, write, or speak Spanish.

19 A. Correct.

20 Q. Can you tell us sort of how you learned Spanish, what your
21 level of fluency is?

22 A. It's my first language.

23 Q. So you spoke it, read, and wrote growing up?

24 A. Yes.

25 Q. Do you still?

1 A. Yes, I do.

2 Q. Okay. Tell me about learning English.

3 A. I was born in Washington, D.C. and raised in Prince
4 George's County. So I went to Prince George's County schools.

5 Q. So you're just as fluent in English as in Spanish; is that
6 fair?

7 A. Correct, yes.

8 Q. So in this case, there will be witnesses testifying in
9 Spanish, but we will have an official court translator. Would
10 you be able to accept only the English translation and not
11 translate the testimony on your own?

12 A. That's correct.

13 Q. You would be able to do that?

14 A. Yes, I will.

15 Q. Same with regard to the written. If there are written
16 exhibits that are translated into English, will you accept the
17 English translation and not translate it yourself?

18 A. Yes, I will.

19 Q. Okay.

20 THE COURT: All right. Government, any follow-up for
21 this witness?

22 MR. MOOMAU: No, Your Honor. Thank you.

23 MR. DAVIS: None.

24 THE COURT: Okay. Thank you so much.

25 JUROR NUMBER 240: You're welcome. Thank you.

1 (Exit juror number 240.)

2 THE COURT: And, Mr. Ulander, that was juror number
3 240 and also number 30 if we're keeping in 88. Am I right?

4 THE COURTROOM DEPUTY: Correct.

5 THE COURT: Okay.

6 (Enter juror number 260.)

7 PROSPECTIVE JUROR NO. 260,
8 a prospective juror, having been first duly sworn to answer
9 questions, was examined as follows:

10 EXAMINATION

11 BY THE COURT:

12 Q. All right. Juror number 260. Hi.

13 A. Hello.

14 Q. I want to follow up with you on your yes answers. You
15 checked yes to number 11, whether you, a family member, or
16 friend have any legal training.

17 A. So --

18 Q. Yeah, go ahead.

19 A. I don't necessarily have any formal legal training, but I
20 guess I just wanted to note that I've taken law classes in
21 college. I didn't know if that would apply, but I decided to
22 check it anyway.

23 Q. Sure. What kind of law have you taken?

24 A. Just introductory constitutional law and whatnot, because
25 I plan to go to law school once I graduate, but I'm not in

1 pre-law or anything.

2 Q. Okay. So if you're selected as a juror, one of the
3 instructions I will give you is to put any knowledge that
4 you've gained elsewhere outside of your head and listen to the
5 facts as you hear them in this case, the evidence that's
6 presented, and the law as I instruct. Would you be able to do
7 that?

8 A. I would.

9 Q. Okay. Was there anything else you were thinking about
10 when you checked yes to number 11?

11 A. No, nothing.

12 Q. Okay.

13 You also checked yes to number 31, which is whether you, a
14 family member, or close friend have ever been convicted of,
15 accused of a crime, or been the subject of a criminal
16 investigation.

17 A. A close friend of mine has been convicted of a crime.

18 Q. Okay. What crime was that?

19 A. It was a drug charge this past year.

20 Q. This past year?

21 A. Yeah.

22 Q. Was it -- what court was it in?

23 A. If I had to guess, I would say -- I don't know actually.

24 Q. Not sure?

25 A. No.

1 Q. So you didn't accompany your friend to court or weren't
2 involved in --

3 A. No. I just figured I would note it anyway.

4 Q. What's that?

5 A. I just figured I would note it anyway.

6 Q. Sure. Was there anything about the way your friend was
7 treated in that case that would affect your ability to be a
8 fair and impartial juror here?

9 A. I don't think so.

10 Q. Okay.

11 All right. You also checked yes to 32, which is whether
12 you, a family member, or close friend ever been the victim of a
13 crime, witness to a crime, or witness in a criminal trial.

14 A. Yeah, my aunt was a victim of a crime.

15 Q. Okay. What kind of crime was that?

16 A. Assault.

17 Q. And how long ago was that?

18 A. I would say 20 years ago, a long time ago.

19 Q. All right. So you didn't have a whole lot of involvement
20 in that case, I would imagine?

21 A. No.

22 Q. Is there anything about that case that would affect your
23 ability to be fair here?

24 A. I don't think so, no.

25 Q. No? Okay.

1 And then, finally, you checked yes to number 35. It
2 reads, "If you were selected as a juror, you would be
3 instructed not to consider punishment in deciding whether the
4 government has proven its case against the defendant." And the
5 question is, would you have any difficulty following my
6 instruction. You checked yes. What were you thinking about?
7 A. I was thinking something that would make it difficult for
8 me would be if the punishment was life in prison or not and
9 that's something that I would have a hard time considering
10 outside of whether they are guilty or not guilty. That's my
11 thought process.

12 Q. Okay. Now, you will not get any evidence on what the
13 punishment is because in our system, the punishment is left up
14 to the judge, and that's why the instruction you'll [sic.]
15 give is you aren't to think about or speculate as to what the
16 punishment will be. You're to decide whether the government
17 has proven the case with evidence beyond a reasonable doubt.
18 Could you follow my instruction?

19 A. I could do that.

20 Q. Okay.

21 THE COURT: All right. Government, any follow-up for
22 this witness?

23 MR. MOOMAU: Your Honor, no questions right now but
24 there was a matter -- I think we need -- based on what the
25 Court just said --

1 THE COURT: Do you want me to ask the juror to step
2 out so we can discuss it?

3 MR. MOOMAU: Yes, please.

4 THE COURT: Okay.

5 (Exit juror number 260.)

6 THE COURT: Okay.

7 MR. MOOMAU: Your Honor, during the cross-examination
8 of some of the government's witnesses, it is going to come out
9 that they are subject to a mandatory life sentence, and I'm not
10 sure -- so it would be easy to figure out that this defendant
11 is facing that also. And with that, maybe we need to ask some
12 more questions of this potential juror to see how that would
13 affect him.

14 THE COURT: Mr. Davis, what's your position on that?
15 I mean, I'll give you follow-up on it.

16 MR. DAVIS: There will be cross-examination on the
17 offenses that the cooperating witnesses have pled guilty to,
18 but I almost like it to derivative use and use, direct use
19 evidence. I mean, it's one step removed to figure out that
20 Mr. Navarro is looking at --

21 THE COURT: And no one is going to be making that
22 argument, obviously. You're not going to highlight it, but I
23 think Mr. Moomau's immediate question is, you know, is anyone
24 going to have any heartburn or objections if the government
25 follows up with more pointed questions with this witness. Is

1 that what you're asking, Mr. Moomau?

2 MR. MOOMAU: Yes, Your Honor.

3 THE COURT: Okay. Well, I think that's fair,
4 Mr. Davis.

5 MR. DAVIS: I have no objection to that.

6 THE COURT: Okay. All right, then we'll expect
7 you'll explore that, Mr. Moomau.

8 MR. MOOMAU: Thank you, Your Honor.

9 (Re-enter juror number 260.)

10 THE COURT: Okay. Thank you, sir.
11 Mr. Moomau.

12 MR. MOOMAU: Yes. Thank you, Your Honor.

13 BY MR. MOOMAU:

14 Q. Sir, if during the course of the trial you did hear
15 something that caused you to believe that maybe, if found
16 guilty, the sentence could be mandatory life imprisonment, how
17 would that affect you? Would you still be able to sit as a
18 juror and judge guilt or innocence without considering what the
19 penalty could be?

20 A. I think that I would be able to. It would just take a bit
21 of a mental toll, but I think that I would be able to do that.

22 Q. Okay. When you say it would take a mental toll, can you
23 explain that a little bit?

24 A. So if I were to determine in my mind that this person is
25 guilty or innocent, regardless of whether I believe they are

1 going to be sentenced or not, I think it would be difficult for
2 me to -- if in the situation I found that they were guilty, I
3 think it would be difficult for me to say it, but I would be
4 able to.

5 Q. Okay. What you're saying is knowing what the possible
6 penalty could be, it would make it difficult for you but you --

7 A. It would but I think I would still be able to.

8 Q. And, of course, we always cut everything up. And when you
9 say you think you could, are you certain you could still make
10 the decision as to guilty or not guilty without allowing those
11 other feelings to influence you?

12 A. I could do it.

13 Q. All right. Thank you, sir.

14 THE COURT: Mr. Davis, any follow-up?

15 MR. DAVIS: No, Your Honor.

16 THE COURT: All right. Thank you, sir. I appreciate
17 your time.

18 JUROR NUMBER 260: Thank you, Your Honor.

19 THE COURT: All right.

20 (Exit juror number 260.)

21 (Enter juror number 262.)

22 PROSPECTIVE JUROR NO. 262,

23 a prospective juror, having been first duly sworn to answer
24 questions, was examined as follows:

25

EXAMINATION

BY THE COURT:

1 Q. Hello, juror 262.

2 A. How are you doing today?

3 Q. Good. How are you?

4 A. I'm good.

5 Q. Good. I wanted to follow up with you on your yes answers.

6 A. Okay.

7 Q. You checked yes to whether you, a family member, or friend
8 has any training in the law, law school, paralegal work.

9 A. Yes, my uncle and my aunt.

10 Q. What do they do?

11 A. My uncle is a retired police officer, and my aunt works
12 for P.G. County in the Sheriff's Office.

13 Q. In the Sheriff's Office?

14 A. Um-hum.

15 Q. Have either of them talked to you about their jobs?

16 A. No.

17 Q. Is there anything about the fact that they are in law
18 enforcement would affect your ability to be fair in this case?

19 A. Oh, no. Was that the question?

20 Q. What's that?

21 A. Was that like me saying yes to me saying it would
22 interfere?

23 Q. No, it was just telling us that you have people in your
24

1 circle who have had careers in the law.

2 A. Okay. Then yes.

3 Q. Okay. So you checked yes to two questions. One was
4 about, you know, having family or friends in -- -- having legal
5 training, like being a lawyer or paralegal. You also checked
6 yes to whether you had family or friends who are involved in
7 criminal defense work, defense work.

8 A. Oh, yes, my aunt.

9 Q. Your aunt. Is that a different aunt?

10 A. No, it's the same one.

11 Q. The one who is in the Sheriff's Office?

12 A. Yes, ma'am.

13 Q. Has she ever worked in like a private defense firm or done
14 anything not in law enforcement with the Sheriff's Office but
15 on the other side for the defendant?

16 A. No, I do not know that.

17 Q. Okay.

18 And then you checked number 12 yes but then you crossed it
19 out no, and this was about whether you had any family or
20 friends who worked for a bunch of government agencies, U.S.
21 Attorney, FBI. Were you thinking about your aunt and uncle
22 when you were --

23 A. I was.

24 Q. Okay. All right, anybody else you were thinking of?

25 A. No. I was thinking about that answer and then when

1 someone else asked to hear the answer -- I mean, to hear that
2 question, then I truly understand what that meant so I crossed
3 it out.

4 Q. Got it. Okay.

5 All right, let me see if the government has any follow-up
6 for you.

7 MR. MOOMAU: No, Your Honor. Thank you.

8 THE COURT: All right. Defense?

9 MR. DAVIS: Nothing, Your Honor.

10 THE COURT: All right. Thank you, sir. I appreciate
11 your time.

12 JUROR NUMBER 262: You, too. Enjoy the rest of y'all
13 day.

14 THE COURT: You, too.

15 (Exit juror number 262.)

16 (Enter juror number 274.)

17 PROSPECTIVE JUROR NO. 274,
18 a prospective juror, having been first duly sworn to answer
19 questions, was examined as follows:

20 EXAMINATION

21 BY THE COURT:

22 Q. Hi there. Juror number 274.

23 A. Yes.

24 Q. All right. I just want to follow up with you on some of
25 your yes answers. You checked yes to whether you, a family

1 member, or friend had any legal training, law school,
2 paralegal, stuff like that.

3 A. Yes.

4 Q. Who were you thinking of when you checked yes to that?

5 A. Somebody in my family been in jail. That's what you're
6 referring to?

7 Q. I'm sorry. This is the question that says have you, a
8 member of your family, or a friend ever attended law school,
9 received legal training --

10 A. Oh, yes, yes, yes.

11 Q. Yeah, that one.

12 A. Yes, I have a lot of family. I got three family that's
13 lawyers and stuff.

14 Q. Okay. Three family members?

15 A. Yes.

16 Q. And who are they in your family? Like, brother, sister?

17 A. First cousins.

18 Q. First cousins?

19 A. My younger little cousins, they're all lawyers.

20 Q. Okay. Do you know what kind of law they practice?

21 A. Not right off. One is criminal. One is in Florida doing
22 criminal law, and the other one is in Baltimore doing I think
23 criminal, too.

24 Q. Okay. So the ones who are in criminal law, do they talk
25 to you about their job?

1 A. No.

2 Q. Okay. So you don't know if they are prosecutors, defense
3 attorneys?

4 A. No. If I need advice, I would go to them.

5 Q. All right. Is the fact that you've got lawyers in your
6 family that do criminal law, would that affect your ability to
7 be a fair and impartial juror in this case?

8 A. No.

9 Q. Okay. You also checked yes to whether you have -- you, a
10 family member, or friend employed with the courts, this court,
11 Department of Justice, U.S. Attorneys, State's Attorneys.

12 A. Yes. I have a cousin who works for Upper Marlboro Court.

13 Q. You have, I'm sorry, a cousin did you say?

14 A. Yes. She works at Upper Marlboro Court.

15 Q. What does your cousin do for the Court?

16 A. I know she's in the court system but I don't know her --

17 Q. No details?

18 A. Yeah. I don't ask that question. They don't tell me; I
19 don't ask.

20 Q. Okay, very good.

21 Same question. Is there anything about the fact that you
22 have a cousin in the court system that would affect your
23 ability to be fair here?

24 A. No.

25 Q. Okay.

1 And then you also checked yes to number 13, which is about
2 whether you have anybody in your circle who does criminal
3 defense work. Were you thinking of anybody else besides the
4 cousins we talked about?

5 A. Well, I have a friend. She used to be in parole and
6 stuff, and I think she might have retired.

7 Q. All right. Again, you talk to her about her job?

8 A. No. They don't say nothing. I don't ask nothing.

9 Q. Got it. All right, very good.

10 And then you also checked yes to 14, which is about having
11 friends or family in parole, probation. Was that the friend
12 you were --

13 A. Yeah, that's the friend.

14 Q. -- just talking about?

15 A. Yes.

16 Q. Okay.

17 All right. And then you also checked yes to number 31,
18 which is whether you, a family member, or friend had ever been
19 convicted of a crime.

20 A. Friends, not me.

21 Q. Okay. Accused of a crime or been --

22 A. Yes, accused of crimes and stuff.

23 Q. All right. So tell us -- let's start with the friends who
24 you say have been convicted. Anyone specifically that you can
25 think of?

1 A. A lot of members, a lot of members been in jail. I've got
2 a big family.

3 Q. And you're saying you've had family members?

4 A. Yeah, they have been in but not me.

5 Q. Have you been involved in any of those cases, meaning gone
6 to court as a witness or followed it --

7 A. My mother ran the jail for 30 years. No way.

8 Q. What's that?

9 A. My mother ran the jail for 30 years.

10 Q. Your mother ran the jail, did you say?

11 A. Yes.

12 Q. For 30 years?

13 A. Yes. So I've never been in no trouble.

14 Q. So let's talk about that. You say your mom ran the jail.
15 Was she like the Warden or the --

16 A. She was the head of St. Mary's Correctional Facility.

17 Q. And this was when you were growing up?

18 A. Yes.

19 Q. Okay. That's quite a strong lady, huh?

20 A. Yeah.

21 Q. Okay. For 30 years?

22 A. Yes.

23 Q. All right. Did she bring her work home and talk to you
24 about her work?

25 A. No, no, no, no.

1 Q. No? Okay. All right, but you did say you have some
2 family members who have been convicted?

3 A. Yeah.

4 Q. But no details about that?

5 A. No details.

6 Q. All right.

7 Anybody else who you know is either under investigation or
8 accused of a crime?

9 A. No. I don't know now, no.

10 Q. Okay.

11 All right. And then 32, whether you, a family member, or
12 close friend had ever been the victim of a crime or a witness
13 to a crime.

14 A. Yeah, we have some people who witness crimes, but, you
15 know, we still don't talk about it.

16 Q. Like what kind of stuff -- what were you thinking of when
17 you checked yes to this question?

18 A. Like, back years ago people for like selling drugs and
19 somebody seen something and somebody says something and then
20 they have to tell on the next person.

21 Q. Okay.

22 A. Yeah, that's all that was about.

23 Q. But this is stuff that happened way in the past?

24 A. Yeah, yeah. Yeah, it's past. Yes.

25 Q. Is there anything about any of these experiences that

1 would affect your ability to be a fair juror here?

2 A. No.

3 Q. Okay.

4 THE COURT: All right. Government, any follow-up?

5 MR. MOOMAU: No, Your Honor. Thank you.

6 MR. DAVIS: None.

7 THE COURT: All right. Thanks so much, sir. I
8 appreciate it.

9 (Exit juror number 274.)

10 (Enter juror number 283.)

11 PROSPECTIVE JUROR NO. 283,

12 a prospective juror, having been first duly sworn to answer
13 questions, was examined as follows:

14 EXAMINATION

15 BY THE COURT:

16 Q. Hi there.

17 A. Hello.

18 Q. Juror 283?

19 A. Yes.

20 Q. Okay. I want to see if the lawyers have any follow-up for
21 you.

22 THE COURT: Government?

23 MR. MOOMAU: Yes, Your Honor.

24 THE COURT: Sure.

25

1 BY MR. MOOMAU:

2 Q. We don't have -- I have to ask some questions because I
3 just want to find out a little bit about you. Just tell me
4 about your occupation, how long you've been doing that, and
5 what exactly you do?

6 A. Okay. I am an admin, and I work for the Peterson Company
7 and that's down at National Harbor, and I've been there since
8 February.

9 Q. Okay. Like, every day, like, what do you do every day at
10 your job?

11 A. I answer the phones. I do emails. It's a lot of
12 construction type of thing. So I will do letters of intent,
13 certificates of insurance. I'll ask the companies for
14 certificates of insurance and things like that.

15 Q. Okay. And before that?

16 A. I worked in the -- I'm new to Maryland. So I worked in
17 Illinois, and I worked as a lunch lady there.

18 Q. As a -- excuse me?

19 A. Lunch lady there.

20 Q. Okay. All right, thank you, ma'am.

21 A. You're welcome.

22 MR. DAVIS: No questions.

23 THE COURT: All right. Thank you, ma'am. I
24 appreciate your time.

25 (Exit juror number 283.)

1 (Enter juror number 288.)

2 PROSPECTIVE JUROR NO. 288,
3 a prospective juror, having been first duly sworn to answer
4 questions, was examined as follows:

5 EXAMINATION

6 BY THE COURT:

7 Q. Hi there.

8 A. Hello.

9 Q. Juror 288?

10 A. Yes.

11 Q. All right. I just want to follow up with you on your yes
12 answer. You checked yes to number 12, which is whether you, a
13 family member, or friend either has worked or works with the
14 courts, the United States Court, Department of Justice, U.S.
15 Attorney's Office, State's Attorney's Office, or agencies,
16 federal or state.

17 A. Um-hum. I sought employment with the FBI.

18 Q. You did. Okay. How long ago was that?

19 A. That was at least ten years ago.

20 Q. Okay. Anything about that experience that would affect
21 your ability to be fair if you heard from an FBI agent or
22 witness?

23 A. No.

24 Q. Okay. All right, anything else you were thinking of when
25 you checked yes to number 12?

1 A. No.

2 Q. All right. Let me see if the government has any follow-up
3 for you.

4 MR. MOOMAU: No, Your Honor. Thank you.

5 THE COURT: Defense?

6 MR. DAVIS: Yes.

7 BY MR. DAVIS:

8 Q. Ma'am, did you seek any other positions, federal positions
9 other than with the FBI over the years?

10 A. I have worked for a federal government agency, yes.

11 Q. DEA or any --

12 A. No.

13 Q. ATF or any of the other agencies?

14 A. Nothing of that sort.

15 MR. DAVIS: Nothing further. Thank you.

16 THE COURT: Thanks so much.

17 JUROR NUMBER 288: Thank you.

18 (Exit juror number 288.)

19 THE COURTROOM DEPUTY: All right, Your Honor, that
20 makes 35. Did you want to go for 36 or 37 with 88 in mind?

21 THE COURT: All right, before we bring in the next
22 one, Counsel, what's your preference? If we want 4 alternates,
23 right, and we want to strike 88, we need two more.

24 MR. DAVIS: I thought we were doing three.

25 THE COURT: We said three. You're right that we

1 initially said three. Mr. Ulander just raised, though, that if
2 we want four, it's only one more person. I personally think
3 that we will be fine, but with COVID and BA57 and -- I leave it
4 up to you all to tell me what you prefer.

5 MR. DAVIS: It makes no difference to me, Your Honor.

6 MR. MOOMAU: No, I'm fine. I think we're okay with
7 three.

8 THE COURT: With three?

9 MR. MOOMAU: Yes.

10 THE COURT: Okay. All right, well, then, do you want
11 to do one more so we can get rid of 88?

12 MR. DAVIS: Sure.

13 THE COURT: Yes?

14 MR. DAVIS: Yes.

15 THE COURT: Okay. All right, let's see if we can get
16 one more in the box. Yes?

17 MR. MOOMAU: And this includes making -- did we
18 move -- oh, never mind. I remember. Never mind.

19 THE COURT: Yeah, so there is one that we just put an
20 asterisk. She would be stricken. She's not in the count right
21 now.

22 MR. MOOMAU: Okay.

23 THE COURT: And after this one, if we seat this one,
24 we'll go through and confirm.

25 (Enter juror number 301.)

1 PROSPECTIVE JUROR NO. 301,
2 a prospective juror, having been first duly sworn to answer
3 questions, was examined as follows:

4 EXAMINATION

5 BY THE COURT:

6 Q. Hello.

7 A. Hi.

8 Q. Juror 301?

9 A. Yes.

10 Q. All right. I want to follow up with you on your yes
11 answers. You checked yes to number 15, which is whether you, a
12 family member, or friend have ever been involved in a legal
13 dispute with the United States Government or an agency of the
14 government.

15 A. Yes.

16 Q. Okay. Can you tell me about that?

17 A. It happened I want to say within the last two years. One
18 of my friends was in Baltimore. He got arrested.

19 Q. Okay.

20 A. And I believe he was charged with marijuana and an illegal
21 firearm.

22 Q. Okay. So you're saying that friend, based on the criminal
23 charges, is why you checked yes?

24 A. Yes.

25 Q. Or is there something else that happened?

1 A. That was it.

2 Q. That was it? Okay. Were you with that person when the
3 person was arrested?

4 A. No.

5 Q. Are you involved in any way in that case?

6 A. No.

7 Q. Is the fact that your friend had these charges, would that
8 affect your ability to be fair and impartial in this case as a
9 juror?

10 A. No.

11 Q. Okay. Anything else you were thinking of with regard to
12 15?

13 A. That was all.

14 Q. That was it? Okay.

15 You also checked 31, which is about whether a family
16 member or friend or you have ever been convicted of or accused
17 of a crime. Were you thinking about the friend you just --

18 A. Yes.

19 Q. -- discussed when you checked yes to that question?

20 A. Yes.

21 Q. Anybody else you were thinking of?

22 A. Just him.

23 Q. Okay. And then you also checked yes to number 33, which
24 is whether you, a family member, or close friend belonged to
25 any group that advocates for change in the Criminal Justice

1 System or in the Sentencing Guidelines.

2 A. Yes. I have some friends that are part of BLM and other
3 advocacy groups.

4 Q. Okay. Do you participate at all in that?

5 A. No.

6 Q. Okay. Do you talk to your friends about their advocacy
7 work that they do?

8 A. Yeah, from time to time, like what policies they want and
9 what they want to see implemented and stuff and how that would
10 change the rate of like incarceration and stuff like that and
11 better ways of improving that, things along those lines.

12 Q. Okay. So a couple of things about that. If you were
13 selected as a juror, one of my instructions would be that any
14 feelings you might have about the laws, whether they should
15 change or not, you have to keep them outside the courtroom and
16 that you must follow my instructions on the law even if you
17 disagree with them. Would you be able to follow my
18 instructions?

19 A. Yes.

20 Q. Okay. Any hesitation about that?

21 A. No.

22 Q. Okay.

23 The other thing, since you raised it, just to be clear,
24 I'll instruct you that any possible punishment that could
25 follow if the government proves the case against the defendant

1 is not for you to consider. You are to put the question of
2 punishment totally out of your head. Would you be able to do
3 that?

4 A. Yeah.

5 Q. Okay.

6 All right, you also -- oh, no -- that was 33.

7 THE COURT: All right. Government, any follow-up?

8 MR. MOOMAU: No, Your Honor.

9 THE COURT: All right.

10 MR. DAVIS: None.

11 THE COURT: Okay. Thank you so much, sir. I
12 appreciate it.

13 JUROR NUMBER 301: Thank you.

14 (Exit juror number 301.)

15 THE COURT: All right. Counsel, let's hold up
16 because we're at 36, and I'm going to read off who I see is in,
17 and if everyone can follow along.

18 THE COURTROOM DEPUTY: And, Your Honor, just to
19 confirm, is this with 88 out or with 88 in?

20 THE COURT: This is with 88 out.

21 THE COURTROOM DEPUTY: Okay.

22 THE COURT: Okay. So I've got in number 5, 9, and 11
23 on the first page; 30, 31, 38 on the second page; 57, 64 on the
24 third page; 78, 85, 87 on the next page; 89, 96, 104, 110, 125,
25 so the whole next page; 126, 131, 133 on the next page; 146,

1 154, 172, 173, 187, 211, 223, 230, 234, 240, 260, 262, 274,
2 283, 288, and 301. And that brings us to 35.

3 Do you all have the same count? Government?

4 MR. MOOMAU: Yes, Your Honor.

5 THE COURT: Okay. Defense?

6 MR. DAVIS: Yes.

7 THE COURT: Mr. Ulander?

8 THE COURTROOM DEPUTY: Yes, Your Honor.

9 THE COURT: Okay. And let's make sure we are doing
10 the math right. So we have 35 in the box. We need 12 plus 3
11 is 15. 10, 6, 1 and 1 or 2 and 2 for alternates. I can't
12 remember, Mr. Ulander.

13 THE COURTROOM DEPUTY: Two strikes per alternate.

14 THE COURT: So two strikes per alternate?

15 THE COURTROOM DEPUTY: There are seven jurors in the
16 alternate pool. Counsel, each side, gets two strikes, taking
17 out four alternate jurors, leaving three remaining.

18 THE COURT: Got it. Okay. So that would mean we
19 need -- all right. I'm messing up the math. Mr. Ulander, you
20 give it to us.

21 THE COURTROOM DEPUTY: What I can say at this point
22 for ease of counting --

23 THE COURT: Yep.

24 THE COURTROOM DEPUTY: We have 28 jurors --

25 THE COURT: Yep --

1 THE COURTROOM DEPUTY: -- in between jurors number 5
2 and 234.

3 THE COURT: Okay.

4 THE COURTROOM DEPUTY: That's 12 jurors with 10
5 strikes for the defense, 6 for the government.

6 THE COURT: Yep.

7 THE COURTROOM DEPUTY: Then the alternate panel will
8 be starting at juror 240. There will be 7 alternate jurors
9 between 240 and 301 --

10 THE COURT: Yep. Got it.

11 THE COURTROOM DEPUTY: -- making a seven-member
12 alternate panel.

13 THE COURT: Yep. That looks right to me. Any
14 question or concern from either side?

15 MR. DAVIS: No.

16 MR. MOOMAU: None.

17 THE COURT: All right. So are we ready to get you
18 what you need to start exercising your preemptories? Yes?

19 MR. MOOMAU: Yes.

20 MR. DAVIS: Yes, we're ready.

21 THE COURT: All right. Mr. Ulander.

22 THE COURTROOM DEPUTY: I would just need a minute or
23 two to fix up the paperwork, and I'll get it to the parties so
24 we can start strikes.

25 THE COURT: Okay. So you just let me know when

1 you're ready for me.

2 THE COURTROOM DEPUTY: Yes, Your Honor.

3 THE COURT: All right. Thanks so much.

4 THE COURTROOM DEPUTY: This Honorable Court now
5 stands in recess.

6 (Recess taken, 3:06 P.M. - 3:38 P.M.)

7 THE COURTROOM DEPUTY: May I have your attention,
8 please. This Honorable Court now resumes in session.

9 THE COURT: All right, everybody, I understand that
10 you all have exercised your strikes, and we have our jurors.
11 I'm going to have Mr. Ulander just confirm who he has for the
12 jurors and the alternates; and once we do that, if there's no
13 issues, we'll get them up here, and I'll talk to you all about
14 scheduling while we wait.

15 Mr. Ulander.

16 THE COURTROOM DEPUTY: Currently, with all of our
17 strikes in place, juror number 30 is going to be juror number
18 1; juror number 31 is going to be juror number 2; juror number
19 64 is going to be juror number 3; juror number 78 is going to
20 be juror number 4; juror number 85 is going to be juror number
21 5; juror number 87 is going to be juror number 6; juror number
22 131 is going to be juror number 7; juror number 154 is going to
23 be juror number 8; juror number 172 is going to be juror number
24 9; juror number 187 is going to be juror number 10; juror
25 number 211 is going to be juror number 11; juror number 223 is

1 going to be juror number 12; juror number 240 is going to be
2 alternate juror number 1; juror number 262 is going to be
3 alternate juror number 2; and juror number 274 is going to be
4 alternate juror 3.

5 THE COURT: Okay.

6 MR. MARTIN: Mr. Ulander, would you be so kind to
7 tell us who juror number 2 is again, please.

8 THE COURTROOM DEPUTY: Juror number 2?

9 MR. MARTIN: Please.

10 MR. DAVIS: 31.

11 THE COURTROOM DEPUTY: Juror number 31 is going to be
12 juror number 2.

13 MR. MARTIN: Thank you.

14 THE COURT: Okay. Are we ready to bring them up?

15 MR. DAVIS: We are.

16 THE COURT: All right.

17 And so while we wait for them, I do have preliminary
18 instructions. They are the standard ones once they're sworn
19 in. We should be done by ten to four. Do you all wish to
20 break for the day and start fresh with openings?

21 MR. MOOMAU: We would, Your Honor.

22 THE COURT: Okay. How long will openings be in the
23 morning?

24 MR. MOOMAU: For the government, Your Honor, it's
25 longer than I want it to be, but it's going to be about a half

1 an hour.

2 THE COURT: Okay. All right, Defense?

3 MR. MARTIN: Five minutes.

4 THE COURT: Okay. All right, so then we'll start
5 promptly at 9:30, and we'll expect testimony before the morning
6 break.

7 All right. Have you all come to some agreement as to
8 exchange of witnesses so that there's at least a rough
9 understanding of the lineup?

10 MR. MOOMAU: We've already done that, Your Honor.

11 THE COURT: Okay. Great.

12 MR. MOOMAU: And the government, we'll be using a
13 PowerPoint in opening. I shared that with the defense.

14 THE COURT: Okay.

15 MR. MOOMAU: I think there's no objection.

16 THE COURT: All right, great. Okay, so then -- this
17 will be good because we'll have time to make sure everything
18 works well so we can roll in the morning.

19 MR. MOOMAU: Your Honor, as far as the time for the
20 trial, we really expect we're going to finish maybe even
21 substantially earlier than what we thought, and that's based on
22 our conversation with the defense. We really have been rushing
23 to make sure we can use all the time. Like, say, tomorrow, so
24 there's a possibility like, say, tomorrow we could finish
25 earlier than -- because we will have put on all of our

1 witnesses.

2 THE COURT: Okay.

3 MR. MOOMAU: We were hoping -- because we have
4 witnesses like the medical examiner.

5 THE COURT: That's scheduled.

6 MR. MOOMAU: Yes, and can't come in until Wednesday
7 morning.

8 THE COURT: Okay.

9 MR. MOOMAU: And then we have a cooperator that's
10 going to testify Wednesday that we think will -- with direct
11 and cross might take most of the day, and then that would
12 probably finish that day; but we might have another police
13 officer witness.

14 But what I'm saying is there might be some days we finish
15 early, but the trial isn't going to go on longer than what the
16 allotted time is.

17 THE COURT: Okay.

18 MR. MOOMAU: It's going to be --

19 THE COURT: And it may even be shorter?

20 MR. MOOMAU: Yes.

21 THE COURT: Okay.

22 MR. MOOMAU: Yes.

23 THE COURT: All right. Well, you know, you're
24 seasoned attorneys. You know how to fill the day as best you
25 can, and if you run out, you run out. I'm not -- and I'm

1 expecting that that happens sometimes; but as long as we're not
2 super behind and we're getting to the end of the week talking
3 about another week and plus, I'm okay.

4 MR. MOOMAU: Thank you, Your Honor.

5 THE COURT: So while we wait, Counsel, we're going
6 to, for a couple of reasons, seat the second -- we're going to
7 put five, five, and five, and we're going to seat the second
8 and third row one over from the end of the jury box. First,
9 because it gives you all a little social distancing; and
10 second, because that way the jurors can see better. They can
11 see everyone for the defense, as well as the government. So I
12 don't anticipate there's going to be a problem with it.

13 And, you know, if past is prologue, as soon as a juror
14 gets his or her seat, they know where their seat is and we
15 don't have a problem so.

16 THE COURTROOM DEPUTY: All rise for the jury.

17 (Open Court - Jurors Present.)

18 THE COURT: All right, everyone, you could have a
19 seat.

20 (Members of the Jury Panel complied.)

21 THE COURTROOM DEPUTY: Members of the jury panel, as
22 I call your juror number, please stand, vocally acknowledge
23 your presence, and then be seated.

24 Juror number 30.

25 JUROR NUMBER 30: Here.

1 THE COURTROOM DEPUTY: Juror number 31.
2 JUROR NUMBER 31: Here.
3 THE COURTROOM DEPUTY: Juror number 64.
4 JUROR NUMBER 64: Present.
5 THE COURTROOM DEPUTY: Juror number 78.
6 JUROR NUMBER 78: Here.
7 THE COURTROOM DEPUTY: Juror number 85.
8 JUROR NUMBER 85: Here.
9 THE COURTROOM DEPUTY: Juror number 87.
10 JUROR NUMBER 87: Here.
11 THE COURTROOM DEPUTY: Juror number 131.
12 JUROR NUMBER 131: Here.
13 THE COURTROOM DEPUTY: Juror number 154.
14 JUROR NUMBER 154: Here.
15 THE COURTROOM DEPUTY: Juror number 172.
16 JUROR NUMBER 172: Present.
17 THE COURTROOM DEPUTY: Juror number 187.
18 JUROR NUMBER 187: Present.
19 THE COURTROOM DEPUTY: Juror number 211.
20 JUROR NUMBER 211: Here.
21 THE COURTROOM DEPUTY: Juror number 223.
22 JUROR NUMBER 223: Here.
23 THE COURTROOM DEPUTY: Juror number 240.
24 JUROR NUMBER 240: Present.
25 THE COURTROOM DEPUTY: Juror number 262.

1 JUROR NUMBER 262: Here.

2 THE COURTROOM DEPUTY: Juror number 274.

3 JUROR NUMBER 274: Present.

4 THE COURTROOM DEPUTY: Members of the jury panel, as
5 I call your juror number, will you please stand, come forward
6 to our jury box, and take a seat in the jury box.

7 Juror number 30 is now juror number 1. Please come
8 forward and take a seat in the furthest seat in the front row.

9 Juror number 31 is now juror number 2.

10 Juror number 64 is now juror number 3.

11 Juror number 78 is now juror number 4.

12 Juror number 85 is now juror number 5.

13 Juror number 87 is now juror number 6. Please take a seat
14 in the second to last seat in the second row.

15 Juror number 131 is now juror number 7.

16 Juror number 154 is now juror number 8.

17 Juror number 172 is now juror number 9.

18 Juror number 187 is now juror number 10.

19 Juror number 211 is now juror number 11. Please take a
20 seat in the second to the last seat in the back row.

21 Juror number 223 is now juror number 12.

22 Juror number 240 is now alternate juror 1.

23 Juror number 262 is now alternate juror 2.

24 And juror number 274 is now alternate juror 3.

25 THE COURT: All right, Counsel, let's try out our

1 remote devices, if you would.

2 (Bench conference on the record:

3 THE COURT: Can you all hear me?

4 (No response.)

5 THE COURT: All right. Can you all hear me?

6 (No response.)

7 THE COURT: All right, Ms. Grossi, can you say
8 something? Let me just make sure I hear you.

9 MS. GROSSI: Your Honor, can you hear me?

10 THE COURT: I think into this microphone. Into the
11 microphone in front of you.

12 MS. GROSSI: Your Honor, can you hear me?

13 THE COURT: I sure can.

14 Mr. Moomau?

15 MR. MOOMAU: Yes. Good afternoon.

16 THE COURT: Okay. Mr. Davis?

17 MR. DAVIS: I can hear, yes.

18 THE COURT: All right. And if you would speak into
19 the microphone.

20 And Mr. Martin, how are you doing with yours?

21 (No response.)

22 THE COURT: All right. Mr. Martin, can you hear us?

23 MR. MARTIN: I can, yes.

24 THE COURT: All right. And when you respond, you
25 need to speak into one of the table microphones.

1 MR. MARTIN: Thank you, Your Honor.

2 THE COURT: Okay.

3 All right, so while we're all on this record, does the
4 government have any objections to our jury?

5 MR. MOOMAU: We do not, Your Honor.

6 THE COURT: Okay. Defense, are they acceptable?

7 MR. DAVIS: Yes.

8 THE COURT: Good. Okay, we'll swear them in.

9 Thanks.)

10 (The bench conference was concluded.)

11 THE COURTROOM DEPUTY: Members of the Jury Panel
12 selected in the present case, please stand and raise your right
13 hand.

14 (Members of the Jury Panel complied.)

15 THE COURTROOM DEPUTY: You and each of you do
16 solemnly promise, declare, and/or affirm that you shall well
17 and truly try the issues joined in the case of the United
18 States of America versus Jose David Navarro-Cervellon and give
19 a true verdict according to the evidence?

20 Please state "I do."

21 (Members of the Jury Panel reply, "I do.")

22 THE COURTROOM DEPUTY: Thank you. You may be seated.
23 Jury sworn, Your Honor.

24 THE COURT: All right.

25 Well, thank you so much for your service in advance of

1 this trial and also throughout today. You have been wonderful.
2 We very much appreciate it.

3 As probably you've figured out, we are -- we put your
4 safety and your time as paramount. So if there is anything in
5 terms of your safety that you're concerned about, you just let
6 us know. We've got Hepa filters in the courtroom. We're all
7 going to stay masked when we're not speaking. The plexiglass
8 is up for that reason, and you'll see back in the jury room we
9 have similar protection for you all.

10 What we're going to do now is I'm going to give you some
11 preliminary instructions, which will help guide you as jurors
12 throughout the case. That should probably take about 15 or
13 20 minutes and then we're going to let you go for the day and
14 get some rest, figure out how things work in the back in your
15 jury room, because when you come back in the morning, you will
16 not come through this door; you'll come through a side door
17 that Mr. Ulander will show you that goes right into the jury
18 room. Okay?

19 All right, so with that, let's start.

20 Now that you've been sworn, I'll give you the preliminary
21 instructions to guide you in your participation in this trial.
22 This is a criminal case in which the defendant, Jose David
23 Navarro-Cervellon, is charged with three counts; conspiracy to
24 use facilities of interstate commerce in the commission of
25 murder for hire; second, use of facilities in interstate

1 commerce in the commission of murder for hire; and third,
2 murder resulting from the use, carrying, brandishing, and
3 discharging of a firearm during and in relation to a crime of
4 violence.

5 These charges relate to the murder of Ramiro Moya that
6 occurred on November 30, 2016, on Crittenden Street in
7 Hyattsville, Maryland.

8 It will be your duty to find from the evidence what the
9 facts are. You and you alone will be the judges of the facts.
10 You will then have to apply the facts to the law as I instruct
11 you. You must follow the law whether you agree with it or not.

12 Nothing that I may say or do during the trial is intended
13 to indicate or should it be taken by you as indicating what
14 your verdict should be. The evidence from which you'll find
15 the facts will consist of testimony of witnesses, documents,
16 and other things received into the record as exhibits and any
17 facts the lawyers agree to stipulate to or that I might
18 instruct you to find.

19 Now, certain things are not evidence and must not be
20 considered by you, and I'll list them for you now. Statements,
21 arguments, and questions by the lawyers are not evidence.
22 Objections to questions are not evidence. Lawyers have an
23 obligation to their clients to make objections when they
24 believe evidence being offered is improper under the Rules of
25 Evidence. You should not be influenced by the objection or by

1 my ruling on it. If the objection is sustained, ignore the
2 question. If it is overruled, treat the answer like any other.

3 If you are instructed that some item of evidence is
4 received for a limited purpose only, you must follow that
5 instruction. Testimony that I have excluded or told you to
6 disregard is not evidence and must not be considered. Anything
7 that you may have seen or heard outside the courtroom is not
8 evidence and must be disregarded. You are to decide this case
9 solely on the evidence presented here in this courtroom.

10 Now, there are two kinds of evidence, direct and
11 circumstantial. Direct evidence, as the name suggests, is
12 direct proof of a fact such as testimony of an eyewitness.
13 Circumstantial evidence is proof of facts from which you may
14 infer or conclude that other facts exist. I'll give you
15 further instructions on these as well as other matters in the
16 case, but keep in mind that you may consider both kinds of
17 evidence.

18 It will be up to you to decide which witnesses to believe,
19 which witnesses not to believe, and how much of a witness'
20 testimony to accept or reject. I'll give you some guidelines
21 for determining the credibility of the witnesses at the end of
22 the case.

23 Now, as you know, this is a criminal case, and there are
24 three basic rules about a criminal case that you must keep in
25 mind. First, the defendant is presumed innocent until proven

1 guilty. The indictment brought by the government against the
2 defendant is only an accusation and nothing more. It is not
3 proof of guilt or anything else. The defendant, therefore,
4 starts out with a clean slate.

5 Second, the burden of proof is on the government until the
6 very end of the case. The defendant has no burden to prove
7 their innocence or to present any evidence or to testify.
8 Since the defendant has the right to remain silent, the law
9 prohibits you from arriving at your verdict by considering that
10 the defendant may not have testified.

11 Third, the government must prove the defendant's guilt
12 beyond a reasonable doubt. I'll give you further instructions
13 on this point later, but bear in mind in this respect a
14 criminal case is different than a civil case.

15 Now, a few words about your conduct as jurors. You as
16 jurors must decide the case based solely on the evidence
17 presented here within the four walls of this courtroom. This
18 means from now until we meet again and during the trial, you
19 must not conduct any independent research about this case, the
20 matters in the case, and the individuals or entities involved
21 in the case.

22 In other words, you should not consult dictionaries or
23 reference materials. You should not search the internet, the
24 internet, social media, websites, blogs, or any, use any other
25 electronic tools to obtain information about this case or to

1 help you decide the case. Please, do not try to find out any
2 information from any source outside the confines of this
3 courtroom.

4 Until you retire to deliberate, you may not discuss the
5 case with anyone, even each other, your fellow jurors. After
6 you retire to deliberate, you may begin discussing this case
7 with your fellow jurors, but you cannot discuss the case with
8 anyone else until you have returned a verdict and the case is
9 at an end.

10 If anyone should try to approach you or talk to you about
11 this case, or if any information about this case is brought to
12 your attention in any form other than what you hear in this
13 courtroom, please do not discuss that with anyone, including
14 each other, your fellow jurors. Rather, please write a note
15 regarding such matter and give it to Mr. Ulander, the courtroom
16 deputy, so that he may bring it to the Court's attention
17 promptly.

18 I know that many of you use cell phones, Smart Phones,
19 iPhones, and other personal data devices. You use the internet
20 and social media sites frequently and take advantage, as many
21 of us do, with the many tools of technology. You simply may
22 not use them during the trial in any way related to this case.
23 You also must not talk to anyone at any time about the case or
24 use the tools, these tools to communicate electronically with
25 anyone about the case. This includes family or friends.

1 You may not communicate with anyone about the case on your
2 cell phone, through email, BlackBerry, iPhone, text messaging,
3 Twitter, through any blog or website including Facebook,
4 Instagram, Snap Chat, Google, MySpace, LinkedIn, or YouTube. I
5 think you get the point. You may not use any similar
6 technology or social media even if I have not specifically
7 mentioned it here.

8 I expect you to inform me as soon as you become aware of
9 another juror's violation of these instructions. A juror who
10 violates these instructions jeopardizes the fairness of these
11 proceedings and a mistrial could result, which would require
12 the entire process to start over.

13 Finally, do not form any opinion until all the evidence is
14 in. Keep an open mind until you start your deliberations at
15 the end of the case.

16 Now, if you want to take notes during the trial, you may
17 do so on the notepads provided to you by Mr. Ulander; however,
18 it may be difficult to take detailed notes and pay attention to
19 what the witnesses are saying at the same time. If you do take
20 notes, be sure that your note-taking does not interfere with
21 your listening to and considering all of the evidence. Also,
22 if you do take notes, do not discuss them with anyone before
23 you begin your deliberation.

24 You may not take your notes home with you at the end of
25 the day or at the end of trial. You must leave them with us at

1 the end of each day and at the end of each trial. And
2 Mr. Ulander will give you more instructions on that.

3 If you choose not to take notes, remember, it is your own
4 individual responsibility to listen carefully to the evidence.
5 You cannot give that responsibility to someone else who is
6 taking notes. Our system depends on the judgment of all the
7 members of the jury, and so you all must remember the evidence
8 in this case.

9 Now, trial will begin each morning at 9:30 and end around
10 5 p.m. So be sure to get here, you know, 9:25, no later, so
11 that we can start on time because I will, as I know the parties
12 will, be very mindful of your time and very respectful of it.
13 So we want to make sure that you get in and out on time.

14 As I mentioned in the open voir dire, we'll take a morning
15 break, an afternoon break, and lunch for one hour. Sometimes
16 we'll end early and that's a benefit because you'll get on the
17 road faster, but you should at least budget that we'll stay
18 until five for those jury days.

19 Please park in the open lot closest to the entryway.
20 Lighting is best there. I guess in the summertime that's not
21 as much of a concern, but these instructions are given in the
22 winter, too, and it gets dark really early. And so in that
23 regard, if at any point you want a court security person to
24 walk you to your car, we're here; just let Mr. Ulander know.

25 Now, in the morning, we'll first hear from the government

1 who will make what's called an opening statement. Now, an
2 opening statement is simply an outline to help you understand
3 the evidence as it comes in. Next, counsel for the defendant
4 may, but does not have to make an opening statement. Opening
5 statements are not evidence, and they are not permitted to be
6 arguments either.

7 The government will then present its witnesses, and
8 counsel for the defendant may cross-examine those witnesses.
9 Following the government's case, the defendant may, if he
10 wishes, present witnesses whom the government may
11 cross-examine. And after all the evidence is in, I will
12 instruct you on the law, and then the attorneys will present
13 their closing arguments to summarize and interpret the evidence
14 for you. At that point, after that is when you will retire to
15 deliberate on your verdict.

16 Obviously, that's all not going to happen tomorrow. What
17 will happen first thing in the morning is opening statements,
18 and we'll begin promptly at 9:30.

19 So those are my instructions for you. I'll just remind
20 you as you leave today, no talking about this case. You can
21 talk about -- get to know each other in other ways. Get home
22 safely. No researching, no internetting, no texting, no
23 tweeting, no nothing about this matter. We'll see you back
24 here bright and early.

25 Does anyone have any questions before Mr. Ulander takes

1 you back to the jury room? All right. Yeah?

2 A JUROR: Will we be called for the next nine
3 consecutive days, or are we breaking for the weekend?

4 THE COURT: So let me go over that again, because I
5 understand from others that was a little bit confusing during
6 voir dire. So we're going to sit tomorrow, Wednesday, and
7 Thursday, 9:30 to 5:00. We will not sit on Friday. Come back
8 on Monday. Monday, Tuesday, Wednesday, Thursday, not sit on
9 Friday. We may or may not need all of those days. And
10 whenever the case ends, you'll begin deliberations.

11 So that's at least the next two weeks that we know of
12 locked. Obviously, something that may affect how long you're
13 here is deliberations but that -- we have a few days before
14 we're -- and what I'll try to do also, to the best we can, is
15 just keep you posted so that you know if we're ahead of
16 schedule or not. Okay?

17 Does that answer your question? Okay. So you know your
18 Fridays are free. All right.

19 Okay. We'll have Mr. Ulander take you back. We'll see
20 you bright and early 9:25, and we'll be ready to go at 9:30.
21 Thank you so much.

22 THE COURTROOM DEPUTY: All rise for the jury.

23 (Open Court - Jury Not Present.)

24 THE COURT: All right, everybody. Does the
25 government need anything from me?

1 MR. MOOMAU: No.

2 | THE COURT: No?

3 MR. MOOMAU: See you tomorrow, Your Honor. Thank
4 you.

5 THE COURT: All right, very good.

6	Defense?
---	----------

7 MR. DAVIS: Nothing, Your Honor.

8 THE COURT: All right. See you bright and early.
9 We'll start at 9:30. Thanks so much.

10 (The proceedings were adjourned at 4:09 P.M.)

11 I, Marlene Kerr, FCRR, RPR, CRR, RMR, certify that the
12 foregoing is a correct transcript of the stenographic record of
13 proceedings in the above-entitled matter.

14

15 Dated this 2nd day of January, 2023.

16

17	<div style="text-align: center;"><u>/s/</u> Marlene Kerr Federal Official Court Reporter</div>
----	--